

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

[REDACTED]

Reg. No: 2010-29410

Issue No: 2009; 4031

[REDACTED]

ADMINISTRATIVE LAW JUDGE: Landis Y. Lain for Jana Bachman

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon claimant's request for a hearing. After due notice, an in-person hearing was held on August 17, 2010. Claimant was represented at the hearing by [REDACTED]. Claimant did not appear for the hearing.

ISSUE

Whether the claimant meets the disability criteria for Medical Assistance (MA-P) and retroactive Medical Assistance (retro MA-P)

FINDINGS OF FACT

The Administrative Law Judge, based upon the competent, material and substantial evidence on the whole record, finds as material fact:

- (1) On September 23, 2009, [REDACTED] filed an application for Medical Assistance and retroactive Medical Assistance on claimant's behalf.
- (2) On June 6, 2009, the Medical Review Team denied claimant's application.
- (3) On December 22, 2009, the department caseworker sent claimant notice that his application was denied.
- (4) On March 22, 2010, [REDACTED] filed a request for a hearing to contest the department's negative action.
- (5) On April 14, 2010, the State Hearing Review Team approved claimant for Medical Assistance and retroactive Medical Assistance benefits stating in its' analysis and recommendation: adopting the Social Security Administrative Law Judge determination. Medical evidence in the file

supports that it is reasonable to award retroactive benefits to June 2009, based upon the findings of the SSA DDS determination. The claimant was approved for Social Security Disability benefits on December 27, 2010, and is currently in payment status. Therefore, MA-P and retro MA-P are approved effective June 2009. SDA was applied for but would have been approved per PEM 261. No medical review is necessary due to the SSA allowance. This case needs to be reviewed for continuing benefits in November 2013.

CONCLUSIONS OF LAW

The Medical Assistance (MA) program is established by Title XIX of the Social Security Act and is implemented by Title 42 of the Code of Federal Regulations (CFR). The Department of Human Services (DHS or department) administers the MA program pursuant to MCL 400.10, *et seq.*, and MCL 400.105. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Program Reference Manual (PRM).

Because of the Social Security Administration determination it is not necessary for the Administrative Law Judge to discuss the issue of disability. The department is required to initiate a determination of claimant's financial eligibility for the requested benefits if not previously done.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the claimant meets the definition of medically disabled under the Medical Assistance program as of the September 23, 2009, application date and the retroactive Medical Assistance program for the months of June, July and August 2009.

Accordingly, the department's decision is REVERSED. If the claimant is eligible for RSDI income, the department is ORDERED to initiate a review of the application if it has not already done so to determine if all other non-medical eligibility criteria are met. The department shall inform the claimant of the determination in writing. However, if claimant is eligible for SSI the department is ORDERED to open an on-going Medical Assistance case effective the month of SSI entitlement.

The department is ORDERED to conduct a medical review for continuing benefits in November 2013. At review, the following needs to be provided: prior medical packet, DHS-49, B, D, E, F, G; all hospital and treating source notes and test results, all consultative examinations, including those purchased by the SSI/DDS, an updated SOLQ.

_____/s/_____
Landis Y. Lain
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: 2/11/11

Date Mailed: 2/11/11

NOTICE: Administrative Hearings may order a rehearing or reconsideration on either its own motion or at the request of a party within 30 days of the mailing date of this Decision and Order. Administrative Hearings will not order a rehearing or reconsideration on the Department's motion where the final decision cannot be implemented within 90 days of the filing of the original request.

The Claimant may appeal the Decision and Order to Circuit Court within 30 days of the mailing of the Decision and Order or, if a timely request for rehearing was made, within 30 days of the receipt date of the rehearing decision.

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