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

IN THE MATTER OF:

Reg. No: 201037782 2009

Issue No:

Case No: Load No:

Hearing Date: August 24, 2010

Iosco-Alcona County DHS



ADMINISTRATIVE LAW JUDGE: Janice Spodarek

HEARING DECISION

This matter is before the undersigned Administ rative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon claimant's request fo r a hearing to protest the denial of claimant's application for MA-P. After due notice, an in-person hearing was held on 8/24/10. Claimant was represented at the administrate ive hearing by

ISSUE

Whether claimant meets the disability criteria for Medical Assistance (MA)?

FINDINGS OF FACT

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

- On 1/28/10, claimant applied f or MA-P with the Michigan Department of 1. Human Services (DHS).
- 2. Claimant applied for 3 months of retro MA.
- 3. On 2/25/10, MRT denied.
- 4. On 3/1/10, the department issued notice.
- 5. On 5/28/10, claimant filed a hearing request.
- 6. On 6/18/10, SHRT denied claimant.
- 7. At the conclusion of the hearing, the record wa s held open at claimant's request for the submission of additional medical records

- 8. Prior to the resubmission to SHRT of new medicals, the Social Security Administration determined that the claim ant met the disability criteria with a disability onset date of
- 9. On 1/27/11, the undersigned Administra tive Law Judge received an SOLQ SSA Response Reporting indicating claimant was approved disability benefits by SSA. Claimant's onset date is identified as There are no months left for review.

CONCLUSIONS OF LAW

The Medical Assistance (MA) program is estab lished by Title XI X of the Social Sec urity Act and is implemented by Title 42 of the C ode 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 Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

Because of the Social Security Administration determination, it is not necess ary for the Administrative Law Judge to discuss the issue of disability. PEM, Item 260; PEM, Item 261.

The department is required to init iate a determination of claimant's financial eligibility for the requested benefits, if required by DHS policy and procedure.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and c onclusions of law, decides that the cl aimant meets the def inition of medically dis abled under the Medical Assistance program as of the January 28, 2010 applie ation date, including any retro MA months if otherwise eligible, and as permitted under policy and procedure.

Accordingly, the department's denial is REVERSED.

The department shall review this case in accordance with its usual policy and procedure.

		/s/	
	Janice	Spodar	ek
		Administrative Law Jud	ge
		for Maura D. Corrigan, Direc	tor
		Department of Human Service	es
Date Signed: January 28, 2011	_	·	
Date Mailed: January 31, 2011	_		

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 reconsider ation on the Department's motion where the final decisi on cannot be implement ed 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 receipt of the Decis ion and Order or, if a timely request for r ehearing was made, within 30 days of the receipt date of the rehearing decision.

JS/vc



