STATE OF MICHIGAN
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

Reg. No: 201038306
Issue No: 2009

Hearing Date:July 14, 2010
Jackson County DHS

ADMINISTRATIVE LAW JUDGE: Janice G. Spodarek

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 to protest the denial of claimant's application for MA-P. After due notice, an in-person hearing was held on July 14, 2010. Claimant was represented at the administrative hearing by ▮▮▮▮ ▮▮▮▮▮▮▮▮▮▮▮▮▮▮▮▮▮▮▮▮▮, collecting on behalf of a hospital.

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:

1.   On December 16, 2009, clamant applied for MA-P with the Michigan Department of Human Services (DHS).

2.   Claimant applied for three months of retro MA.

3.   On February 26, 2010, MRT denied.

4.   On March 3, 2010, the department issued notice.

5.   On June 1, 2010, claimant filed a hearing request.

6.   On June 21, 2010, SHRT denied claimant.

7.   At the conclusion of the hearing, the record was held open at claimant's request for the submission of additional medical records. Medical records were received and submitted to the State Hearing Review Team (SHRT), and on July 21, 2010 SHRT once again denied claimant.

8.   Subsequent to the hearing, the Social Security Administration determined that the claimant met the disability criteria for the programs with a disability onset date of August 8, 2009.

9.   On June 17, 2011, the undersigned Administrative Law Judge received an SOLQ SSA Response Reporting indicating claimant was approved disability benefits by SSA. Claimant's onset date is identified as August 8, 2009. There are no months left for review.

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 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 necessary for the Administrative Law Judge to discuss the issue of disability. PEM, Item 260; PEM, Item 261.

The department is required to initiate 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 conclusions of law, decides that the claimant meets the definition of medically disabled under the Medical Assistance program as of the October, 2010 application date, including any retro MA months if otherwise eligible, and as permitted under policy and procedure.

Accordingly, the department's denial is hereby REVERSED.

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

_____/s/_____
Janice G. Spodarek
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: June 23, 2011

Date Mailed: June 24, 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 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 receipt 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.

JGS/db

cc: