IN THE MATTER OF:

Reg. No.:   2010-39515
Issue No.:   2009
Case No.:
Load No.:
Hearing Date: July 19, 2010
Macomb County DHS (12)

ADMINISTRATIVE LAW JUDGE: Linda Steadley Schwarb

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, a hearing was held on July 19, 2010.   Claimant was represented by ███████████████ ████████ .

ISSUE

Did the Department of Human Services (DHS or department) properly determine that claimant is not "disabled" for purposes of the Medical Assistance (MA-P) program?

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 October 8, 2009, an application was filed on claimant's behalf for MA-P benefits. The application requested MA-P retroactive to September of 2009.

2.   On March 6, 2010, the department denied claimant's application for benefits based upon the belief that claimant did not meet the requisite disability criteria.

3.   On June 3, 2010, a hearing request was filed to protest the department's determination.

4.   Thereafter, it was discovered that the Social Security Administration had determined that claimant was disabled for purposes of the Supplemental Security Income and Retirement, Survivors' and Disability Insurance Programs effective February 16, 2007.

5.   At the hearing, the parties reached an accord. The department agreed to initiate reconsideration of claimant's October 8, 2009, application so that it might consider non-medical eligibility criteria.

6.   Claimant's authorized representative indicated satisfaction with the department's plan of action.
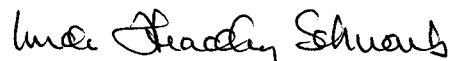
CONCLUSIONS OF LAW

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 (BAM), the Program Eligibility Manual (BEM) and the Program Reference Manual (PRM).

The law provides that disposition may be made of a contested case by stipulation or agreed settlement. MCL 24.278(2). In this case, the parties reached an accord. In view of the Social Security Administration's ruling as to claimant's disability, the department agreed to initiate reconsideration of claimant's October 8, 2009, application so that it might consider non-medical eligibility criteria. The department agreed to notify claimant and his authorized representative in writing as to its determination. Claimant's authorized representative indicated satisfaction with the department's plan of action.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department of Human Services shall initiate reconsideration of claimant's October 8, 2009, application for Medical Assistance. The department shall notify claimant and his authorized representative of its determination in writing.

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Linda Steadley Schwarb
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: June 20, 2010

Date Mailed: June 23, 2010

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.

LSS/pf

cc: