

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.: 201044350
Issue No.: 2000
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: November 22, 2010
Office: Wayne County DHS (55)

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon the claimant's request for a hearing. After due notice, a telephone hearing was held on November 22, 2010. [REDACTED] of [REDACTED] [REDACTED] appeared and testified as Claimant's authorized hearing representative. On behalf of Department of Human Services (DHS), [REDACTED], Specialist, appeared and testified.

ISSUE

Whether Claimant is entitled to processing of an application dated 2/26/08 for Medical Assistance (MA) benefits based on a finding by Social Security Administration (SSA) that Claimant is disabled.

FINDINGS OF FACT

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

1. Claimant, through Claimant's representative [REDACTED], applied for MA benefits on 2/28/08.
2. Claimant's application requested MA benefits for three retroactive months of MA benefits including 11/2007.
3. On an unspecified date, DHS denied Claimant's MA benefits on the basis that Claimant failed to return medical documents necessary to determine whether Claimant was disabled.

4. On an unspecified date, SSA determined that Claimant was a disabled individual.
5. On 6/23/10, [REDACTED] requested a hearing disputing the denial of MA benefits.
6. DHS concedes that Claimant is entitled to MA benefits beginning 11/2007 based on the SSA determination that Claimant is a disabled individual.

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 (formerly known as the Family Independence Agency) 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 Reference Tables Manual (RFT).

MA provides medical assistance to individuals and families who meet financial and nonfinancial eligibility factors. The goal of the MA program is to ensure that essential health care services are made available to those who otherwise would not have financial resources to purchase them.

DHS is to process a previously denied application for MA benefits as if it is a pending application when all of the following are true:

- The reason for denial was that the MRT/SRT determined the client was not disabled or blind, and
- The Social Security Administration (SSA) subsequently determined that the client is entitled to RSDI based on his disability/ blindness for some or all of the time covered by the denied MA application. BEM 260 at 1.

In the present case, DHS agreed to reinstate and process Claimant's 2/28/08 application for MA benefits based on the SSA determination that Claimant is disabled. Though the original basis for the application denial appears to be based on a verification issue rather than a finding that Claimant was not disabled, the undersigned is inclined to accept the DHS agreement to reinstate and process the application. The below decision and order reflects the agreement by DHS and Claimant's representative.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact, conclusions of law and by agreement of the parties, finds that DHS improperly denied Claimant's application dated 2/28/08 for MA benefits. It is ordered that DHS reinstate Claimant's application for MA benefits dated 2/28/2008 and to process Claimant's request in

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accordance with the SSA finding that Claimant is a disabled individual. The actions taken by DHS are REVERSED.


Christian Gardocki
Administrative Law Judge
For Ismael Ahmed, Director
Department of Human Services

Date Signed: December 2, 2010

Date Mailed: December 2, 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 60 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.

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