

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF: [REDACTED],
Claimant

Reg. No: 2010-44599
Issue No: 2009
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
September 2, 2010
Ingham County DHS

ADMINISTRATIVE LAW JUDGE: Ivona Rairigh

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 September 2, 2010. Claimant personally appeared and testified. Claimant was represented by [REDACTED].

ISSUE

Did the department properly determine that the claimant was not disabled for Medicaid (MA) and retro MA eligibility purposes?

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 applied for MA and retro MA on December 8, 2009.
2. On March 12, 2010 department's Medical Review Team determined claimant was not disabled for MA eligibility purpose.

3. On May 3, 2010 department sent the claimant a notice saying his MA application has been denied.

4. On July 26, 2010 claimant requested a hearing on department's action.

5. On August 3, 2010 department's State Hearing Review Team (SHRT) determined that the claimant was disabled using Vocational Rule 201.12 as a guide.

6. Claimant's case was scheduled for a hearing despite the SHRT approval.

Claimant did appear at the hearing and stated he is interested in State Disability Assistance (SDA) also. Claimant's application being addressed in this hearing did not contain a request for SDA, however he was to be given an application for this program upon conclusion of the hearing.

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 (RFT).

Based on SHRT determination, it is not necessary for the Administrative Law Judge to discuss the issue of disability, per Bridges Administrative Manual, Item 600.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the claimant is disabled for MA and retroactive MA eligibility purposes.

Accordingly, department is to:

1. Initiate a review of claimant's December 8, 2009 MA and retro MA for September, October and November, 2009 application to determine if all other non-medical eligibility criteria are met. The department shall inform the claimant of the determination in writing.

2. If claimant is determined eligible for MA, a medical review of claimant's benefits is to take place in August, 2013. At review, prior medical packet, DHS-49-B, -F, and -G, DHS-49-D and -E, all hospital and treating source notes and test results, and all consultative examinations, including those purchased by the Social Security Administration/Disability Determination Service, are to be provided.

SO ORDERED.

/s/ _____
Ivona Rairigh
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: September 3, 2010

Date Mailed: September 3, 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.

IR/tg

cc:

