

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

IN THE MATTER OF:

[REDACTED]
[REDACTED]
[REDACTED]

Reg. No: 2010-49988
Issue No: 2009
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
September 29, 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, a telephone hearing was held on September 29, 2010. Claimant personally appeared and testified along with her Care Coordinator [REDACTED], Re-entry Initiative.

ISSUE

Did the department properly deny claimant's May 19, 2010 Medicaid (MA) and retro MA application, finding she lacks a legally disabling condition?

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 May 19, 2010.
- (2) On July 26, 2010 department's Medical Review Team determined that the claimant was not disabled for MA eligibility purpose as she had a non-exertional impairment.
- (3) On July 28, 2010 department sent the claimant an Application Eligibility Notice denying her MA application.
- (4) Claimant requested a hearing on August 4, 2010.

- (5) On August 31, 2010 department's State Hearing Review Team (SHRT) also determined that the claimant was not disabled, as she retains the capacity to perform a wide range of simple, unskilled work.
- (6) Claimant presented additional medical information following the hearing. This information was forwarded to SHRT for additional review. On October 14, 2010 SHRT stated that there is insufficient evidence to assess physical allegations. As there was Social Security Administration (SSA) consultative examinations scheduled, these evaluations were to be obtained.
- (7) Additional information was obtained and again forwarded to SHRT. On November 29, 2010 SHRT advised that the Disability Determination Service approved the claimant for SSI benefits in November, 2010. Therefore, MA-P and retro MA-P is approved effective February, 2010, with medical review to be completed in November, 2011.

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).

In Michigan, the SSA's determination of disability eligibility and onset is established for MA eligibility purposes. In the present case, evidence of the favorable SSA decision established that the claimant met the federal disability standard necessary to qualify for MA and retro MA pursuant to PEM 260.

Consequently, the department must reverse its MA and retro MA denial, and process claimant's disputed application in accordance with department policy.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department erred in determining claimant is not disabled.

Accordingly, department's action is REVERSED. Department shall:

- (1) Process claimant's disputed MA and retro MA application and issue her any benefits she was entitled to but did not receive, based on May 19, 2010 application date, if she is otherwise eligible to receive them (i.e. meets all of the other required eligibility criteria).

(2) Schedule a medical review of claimant's case for November, 2011. If the claimant is in current SSI payment status, no further action will be necessary. If the claimant is not in SSI payment status at review time, updated application forms (DHS-49 forms) and updated medical records are to be obtained.

(3) Notify the claimant of this determination in writing.

SO ORDERED.

/s/_____

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

Date Signed: December 1, 2010

Date Mailed: December 1, 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

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