

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: 2010-7337
Issue No: 2009
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
January 7, 2010
Genesee County DHS

ADMINISTRATIVE LAW JUDGE: Carmen G. Fahie

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9; MSA 16.409 and MCL 400.37; MSA 16.437 upon claimant's September 21, 2009 request for a hearing to protest the department's denial of Medical Assistance and retroactive Medical Assistance. After due notice, an in-person hearing was held Thursday, January 7, 2010. The claimant personally appeared and testified on his own behalf with his authorized representative,

[REDACTED]

ISSUE

Whether claimant meets the disability criteria for Medical Assistance and retroactive Medical Assistance?

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 May 13, 2009, the claimant applied for MA-P and retroactive MA-P to April 2009.

(2) 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). SHRT approved claimant's claim of disability on January 13, 2010.

The claimant is alleging disability due to heart attack, fatigue, shortness of breath, fused left ankle, congestive heart failure, and renal failure. The claimant is 54 years old and has a 12th grade education with a history of semi-skilled work. The claimant met applicable Social Security Listings 1.01, 4.02, and 6.02.

The claimant was approved by the Social Security Administration on [REDACTED] and is currently in payment status. Therefore, MA-P/retroactive MA-P is approved effective January 1, 2009. State Disability Assistance (SDA) is approved per PEM 261. No medical review is necessary due to the SSA allowance.

This Administrative Law Judge notes that the claimant did not apply for SDA benefits, but the claimant is eligible to apply.

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

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 claimant is eligible for retroactive MA-P to January 2009.

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 retroactive to January 2009.

Accordingly, if it has not already done so, the department is ORDERED to open an ongoing Medical Assistance case for the claimant effective the month of the SSI entitlement.

/s/ _____
Carmen G. Fahie
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: February 25, 2010


Date Mailed: February 25, 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.

CGF/vmc

cc:

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