

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: 2010-7543
Issue No: 2009
Case No: [REDACTED]
Hearing Date
January 20, 2010
Oakland County DHS (3)

ADMINISTRATIVE LAW JUDGE: Landis Y. Lain

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 January 20, 2010. Claimant personally appeared and testified.

ISSUE

Did the Department of Human Services (the department) properly deny claimant's application for Medical Assistance (MA-P) and retroactive Medical Assistance (retro MA-P)?

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 February 23, 2009, claimant filed an application for Medical Assistance and retroactive Medical Assistance benefits alleging disability.
- (2) On July 31, 2009, the Medical Review Team denied claimant's application stating that claimant's impairments lacked duration.
- (3) On August 27, 2009, the department caseworker sent claimant notice that his application was denied.
- (4) On September 7, 2009, claimant filed a request for a hearing to contest the department's negative action.
- (5) On December 2, 2009, the State Hearing Review Team again denied claimant's application stating it had insufficient evidence and requested a complete physical examination and a complete mental status examination.

- (6) On March 11, 2011, claimant received a fully favorable SSI decision from the Social Security Administration with a disability onset date of December 1, 2008 with a monthly RSDI benefit amount of \$973.

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).

A person eligible for Retirement, Survivor's and Disability Insurance (RSDI) benefits based on a disability or blindness meets the disability or blindness criteria. Disability or blindness starts from the RSDI disability onset date established by the Social Security Administration (SSI). No other evidence is required. BEM, Item 260, page 1.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that based upon the March 11, 2011 Social Security Administration determination that claimant was found disabled under the Social Security Rules with an RSDI disability onset date of December 1, 2008, the claimant meets the definition of medically disabled under the Medical Assistance and retroactive Medical Assistance program as of the February 23, 2009 application date and for the months of January 2009, and November, December 2008 based upon the retroactive Medical Assistance application.

Accordingly, the department's decision is REVERSED.

The department is ORDERED to initiate a review of the February 23, 2009 Medical Assistance and retroactive Medical Assistance application if it has not already done so to determine if all other nonmedical eligibility criteria are met and if so determine eligibility for Medical Assistance and retroactive Medical Assistance benefits for the month of December 1, 2008 forward.

The department shall inform the claimant of a determination in writing. The department is also ORDERED to conduct a medical review of claimant's continued eligibility in September 2012.



Landis Y. Lain
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: September 28, 2011

Date Mailed: September 29, 2011

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.

LYL/tg

cc:

