

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.: 2010-7576
Issue No.: 2009
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date:
February 24, 2010
Wayne County DHS (82)

ADMINISTRATIVE LAW JUDGE: Colleen M. Mamelka

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 hearing was held in Redford, Michigan on Wednesday, February 25, 2010. The Claimant appeared and testified along with his authorized representative, [REDACTED] of [REDACTED]. [REDACTED] appeared on behalf of the Department.

ISSUE

Whether the Department properly determined that the Claimant was not disabled for purposes of Medical Assistance ("MA-P") program?

FINDINGS OF FACT

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

1. The Claimant submitted a public assistance application seeking MA-P on June 19, 2009.

2. The Medical Review Team (“MRT”) determined the Claimant was not disabled on July 7, 2009 finding the Claimant’s impairment lacked duration of 12 months or longer. (Exhibit 1, pp. 6, 7)
3. On July 15, 2009, the Department sent the Claimant an eligibility notice informing the Claimant that his MA-P benefits were denied. (Exhibit 1, p. 2)
4. On October 1, 2009, the Department received the Claimant’s written Hearing Request protesting the “not disabled” determination. (Exhibit 2)
5. On December 4, 2009, the State Hearing Review Team (“SHRT”) found the Claimant not disabled. (Exhibit 3)
6. During the hearing, the Department presented proof that on September 23, 2009, the Claimant was approved for RSDI benefits effective October 1, 2006. (Exhibit 4)

CONCLUSIONS OF LAW

The Medical Assistance (“MA”) program is established by Subchapter XIX of Chapter 7 of The Public Health & Welfare Act, 42 USC 1397, and is administered by the Department of Human Services (“DHS”), formerly known as the Family Independence Agency, 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”).

A previously denied MA application is treated as a pending application when MRT determined the Claimant was not disabled, and subsequently, the Social Security Administration (“SSA”) determines that the Claimant is entitled to RSDI based on his disability/blindness for some, or all, of the time covered by the denied MA application, provided the Department is

informed of the approval within 90 days of the date of the MA denial notice. PEM 260 All eligibility factors must be met for each month MA is authorized. PEM 260

Ultimately, because of the Social Security Administration determination, it is not necessary for the Administrative Law Judge to discuss the issue of disability pursuant to PEM 260.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that the Claimant meets the definition of medically disabled under the MA-P program.

Accordingly, it is ORDERED:

1. The Department shall open (if not previously done so) an ongoing Medical Assistance case for the Claimant based on the June 2009 application.
2. The Department shall supplement for any lost benefits (if any) the Claimant was entitled to receive if otherwise eligible qualified in accordance with department policy.

Colleen M. Mamelka

Colleen M. Mamelka
Administrative Law Judge
For Ishmael Ahmed, Director
Department of Human Services

Date Signed: 3/11/2010

Date Mailed: 3/11/2010

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 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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cc:

