

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

IN THE MATTER OF:

[REDACTED]

Reg No. 201010666
Issue No. 2009
Case No. [REDACTED]
Load No. [REDACTED]
Hearing Date: February 4, 2010
Shiawassee 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 November 3, 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, February 4, 2010. The claimant personally appeared and testified on his own behalf with his authorized representative, [REDACTED], and the claimant's mother, [REDACTED] as a witness.

ISSUE

Whether claimant meets the disability criteria for Medical Assistance (MA-P) and retroactive Medical Assistance?

FINDINGS OF FACT

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

1. On April 29, 2009, the claimant applied for MA-P and retroactive MA-P to January 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 June 30, 2010.

The claimant is 36 years old with a high school education and a history of sedentary, unskilled employment.

The Social Security Administration (SSA) has made a determination dated April 29, 2010 that the claimant is disabled as of April 20, 2009. The SSA has found no evidence of earlier onset and the evidence in file does not support an earlier onset. The SSA determination finds that the claimant's condition equals the criteria for Listing 8.04. The SSA determination is being adopted.

The claimant was approved for Social Security Disability benefits on April 29, 2010 and is in currently payment status. Therefore, MA-P is approved effective April 2009. Retroactive MA-P was considered and is denied as the evidence does not support an earlier onset. SDA was not applied for by the claimant. No medical review is necessary due to SSA allowance. This case needs to be reviewed for continued benefits in June 2012. At review, the following needs to be provided: prior medical packets; DHS-49B, F, G; DHS-49; all hospital and treating source notes and test results and test results; all consultative examinations, including those purchased by the SSA/Disability Determination Service. Listings 1.02, 1.03, 1.04, 5.01, 8.04, 9.08, and 11.14 were considered in this determination.

3. This Administrative Law Judge approved the claimant for retroactive MA-P to January 2009 because the objective medical evidence supports a claim of disability for that time period.

CONCLUSIONS OF LAW

The Medical Assistance (MA) program is established by the 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 (formerly known as the Family Independence Agency) 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 (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.

The department is required to initiate a determination of claimant's financial eligibility for the requested benefits, if not previously done. The claimant is eligible for MA-P retroactive to January 2009 with a medical review required in June 2012.

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 with a medical review required in June 2012.

Accordingly, the department is ORDERED to initiate a review of the April 29, 2009 application, if it has not already done so, to determine if all other non-medical eligibility criteria are met. The department shall inform the claimant of the determination in writing.

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

Date Signed: July 20, 2010

Date Mailed: July 20, 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/vc

cc:

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