

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: 2010-1073
Issue No: 2009; 4031
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
November 5, 2009
Iron 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 November 5, 2009. Claimant personally appeared and testified.

ISSUE

Did the department properly determine in August, 2009 that the claimant was not disabled for Medicaid (MA), retro MA, and State Disability Assistance (SDA) eligibility purposes?

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, retro MA and SDA on July 28, 2009.
2. On August 8, 2009, department's Medical Review Team determined claimant was not disabled for MA and SDA eligibility purpose.

3. On August 18, 2009, department sent the claimant a notice saying that her MA, retro MA and SDA application has been denied.

4. On August 24, 2009, claimant requested a hearing on department's action.

5. On October 14, 2009, department's State Hearing Review Team (SHRT) also determined that the claimant was not disabled as she was capable of performing past relevant work.

6. Claimant presented additional medical information following the hearing that was submitted to SHRT for review.

7. On November 19, 2009, SHRT determined that the claimant is disabled as the medical evidence sufficiently demonstrates that the intent and severity of federal regulation listing 6.02.C2 & 3 is equaled.

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).

The State Disability Assistance (SDA) program which provides financial assistance for disabled persons is established by 2004 PA 344. The Department of Human Services (DHS or department) administers the SDA program pursuant to MCL 400.10, *et seq.*, and MAC R 400.3151-400.3180. Department policies are found in the Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

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

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the claimant is disabled for MA, retro MA and SDA eligibility purposes.

Accordingly, department is to:

1. Initiate a review of claimant's July 28, 2009 MA, retro MA and SDA application to determine if all other non-medical eligibility criteria are met.

2. If the claimant meets all eligibility criteria, grant the claimant MA and retro MA effective April, 2009, and SDA based on July 28, 2009 application date (i.e. SDA payment for the pay period on which the 30th day following the date of application falls).

3. The department shall inform the claimant of the determination in writing.

4. If claimant is determined eligible for MA and SDA, a medical review of claimant's benefits is to take place in November, 2012. At review the following is to be provided:

a. Prior medical packet;

b. DHS-49 and DHS-49B, F and G;

c. Treating source and hospital treating notes and test results; and

d. All consultive examinations including those purchased by the Social Security

Administration/Disability Determination Service.

SO ORDERED.

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

Date Signed: December 1, 2009

Date Mailed: December 8, 2009

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.

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