

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

IN THE MATTER OF:

[REDACTED]

Reg. [REDACTED]

[REDACTED]

ADMINISTRATIVE LAW JUDGE: [REDACTED]

[REDACTED]

[REDACTED]

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, an in-person hearing was held on [REDACTED]. The claimant personally appeared and provided testimony. He was represented by [REDACTED]

ISSUE

Did the department properly determine claimant's disability status for Medicaid (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 is a [REDACTED] male who filed a disability-based MA application on [REDACTED].
2. On [REDACTED] department sent claimant a denial notice.
3. On [REDACTED], the department received claimant's timely written hearing request disputing this denial.
4. On [REDACTED] claimant's hearing was held and the record was extended to allow him additional time to submit updated medical documents.

5. Claimant's evidence was then forwarded to the department's State Hearing Review Team (SHRT) for post-hearing consideration.
6. On [REDACTED], SHRT reversed its earlier denial of claimant's MA application.
7. SHRT determined the new evidence shows claimant is currently disabled and has been disabled at all times relevant to [REDACTED]
[REDACTED]
8. SHRT made this determination based on a disability allowance granted by the [REDACTED] [REDACTED] [REDACTED] [REDACTED] according to SHRT's post-hearing decision, issued [REDACTED]

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).

In the present case, the Social Security Administration's (SSA's) disability allowance, received while claimant's appeal was pending, currently establishes claimant is disabled and has been disabled at all times relevant to his October 28, 2008 MA/retro-MA application. As such, this Administrative Law Judge concurs with SHRT's approval.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides the department, through SHRT, properly determined and verified claimant's disability status.

Accordingly, the department's decision is AFFIRMED, and claimant's disputed application shall be processed with benefits awarded as long as he meets all of the other financial and non-financial requirements necessary to receive them. Additionally, per SHRT, a medical review of claimant's condition will not be necessary at review in [REDACTED], as long as claimant remains in SSA disability payment status.

So ORDERED.

/s/ _____
[Redacted Signature]

Date Signed: 4/7/11

Date Mailed: 4/7/11

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.

[Redacted]