

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: 2010-13388
Issue No: 2009
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
February 17, 2010
Oakland County DHS

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 February 17, 2010. Claimant personally appeared and testified.

ISSUE

Whether claimant meets the disability criteria 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 July 28, 2009, claimant filed an application for Medical Assistance benefits alleging disability.

(2) On October 13, 2009, the Medical Review Team denied claimant's application stating that claimant could perform other work.

(3) On October 17, 2009, the department caseworker sent claimant notice that his application was denied.

(4) On November 8, 2009, claimant filed a request for a hearing to contest the department's negative.

(5) On December 30, 2009, the State Hearing Review Team again denied claimant's application stating in its analysis and recommendation: The medical evidence supports that the claimant remains capable of performing light exertional work of a simple and repetitive nature. The treating source statement by the claimant is unable to perform greater than sedentary tasks is not supported by the remainder of the evidence. The claimant retains the physical residual functional capacity to perform light exertional work of a simple and repetitive nature. The claimant's past work was light, unskilled and light, skilled. Therefore, the claimant retains the capacity to perform light, skilled, past relevant work as a clerk. MA-P is denied per 20 CFR 416.920(e). Retroactive MA-P was considered in this case and was also denied. State Disability Assistance was not applied for by the claimant. Listings 1.03, 1.04, 2.03, 4.04, and 12.04 were considered in this determination.

(6) The hearing was held on February 17, 2010. At the hearing, claimant presented evidence that on January 28, 2010, the Social Security Administration issued a fully favorable decision granting claimant RSDI benefits with a disability onset date of [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).

Because of the Social Security Administration determination, it is not necessary for the Administrative Law Judge to discuss the issue of disability. BEM, Item 260. The department is required to initiate a determination of claimant's financial eligibility for the requested benefits, if not previously done.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that claimant meets the definition of medically disabled under the Medical Assistance Program as of the July 28, 2009 application date and if there is a retroactive Medical Assistance application for the three months prior to the July 28, 2009 application date.

Accordingly, the department's decision is REVERSED. The department is ORDERED to initiate a review of the July 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.

The department shall conduct a yearly review to determine whether or not claimant remains eligible for Social Security Administration benefits and, if so, does not have to conduct a disability determination again.

/s/

Landis Y. Lain
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: February 23, 2010

Date Mailed: February 23, 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.

LYL/vmc

cc:

