

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: 2010-15429

Issue No: 2009, 4031

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

March 11, 2010

Iosco County DHS

ADMINISTRATIVE LAW JUDGE: Gary F. Heisler

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 March 11, 2010. Claimant personally appeared and testified.

ISSUE

Did the Department of Human Services properly determine that Claimant is not disabled and deny Claimant's application for Medical Assistance (MA) based on disability?

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 August 12, 2009, Claimant submitted an application for Medical Assistance (MA).
2. On October 14, 2009, the Department's Medical Review Team determined that the claimant was not disabled for MA eligibility purposes.

3. On October 19, 2009, the Department sent claimant an Application Eligibility Notice denying the MA application.

4. On November 5, 2009, Claimant requested a hearing.

5. On January 28, 2010, the State Hearing Review Team (SHRT) also determined that the claimant was not disabled.

6. Claimant presented additional medical information following the hearing. This information was forwarded to SHRT for additional review.

7. On June 9, 2010, after reviewing the additional medical information, SHRT approved disability benefits beginning May 2009. The SHRT decision covers all the periods of disability involved in Claimant's application.

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 accordance with Bridges Administration Manual 600, a State Hearing Review Team decision is final only if it reverses the decision of the MRT and approves all the client's claims of disability/blindness for the time periods claimed. In this case the State Hearing Review Team decision covers all the time period involved in this hearing. Consequently, the department must reverse its MA and SDA denial, and process claimant's disputed application in accordance with department policy.

heading

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department erred in determining claimant is not disabled.

It is ORDERED that the actions of the Department of Human Services, in this matter, are REVERSED.

It is further ORDERED that the Department shall process claimant's disputed MA application dated August 12, 2009. Issue any benefits Claimant was entitled to, but did not receive, if otherwise eligible to receive them (i.e. meets all of the other required eligibility criteria).

_____/s/_____
Gary F. Heisler
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: June 17, 2010_____

Date Mailed: June 18, 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.

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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.

GFH/alc

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