

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: 2010-15654
Issue No: 2009
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
February 25, 2010
Bay 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, an in-person hearing was held on February 25, 2010. Claimant was represented at the hearing by [REDACTED]

ISSUE

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

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 September 11, 2009, claimant filed an application for Medical Assistance as well as a retroactive Medical Assistance application for the months of June, July, and August 2009 alleging disability.

(2) On September 25, 2009, the Medical Review Team denied claimant's application stating that claimant could perform other work.

(3) On September 28, 2009, the department caseworker sent claimant notice that her application was denied.

(4) On December 29, 2009, L&S Associates, Inc. filed a request for a hearing to contest the department's negative action.

(5) On January 28, 2010, the State Hearing Review Team again denied claimant's application stating that it had insufficient evidence to assess claimant's condition.

(6) Claimant alleges as disabling impairments: disability secondary to asthma, pneumonia, rheumatoid arthritis and osteoarthritis, diabetes and peripheral neuropathy, low back pain, hypertension, and an enlarged heart.

(7) On September 8, 2009, the Social Security Administration approved claimant for Social Security disability 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. PEM, 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 the claimant meets the definition of medically disabled under the Medical Assistance program as of the disability onset date of March 26, 2007 if she receives SSI benefits.

Accordingly, the department's decision is REVERSED. The department is ORDERED to initiate a review of the September 11, 2009 Medical Assistance and retroactive Medical Assistance 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 if claimant is receiving RSDI benefits. If the claimant is receiving SSI benefits, the department is ORDERED to open an ongoing Medical Assistance case for the claimant effective the month of SSI entitlement.

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

Date Signed: March 5, 2010

Date Mailed: March 5, 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.

LYL/vmc

cc:

