

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: 2010-2147 (rehear.)
Previous
Reg. No: 2009-11539 (ALJ
Sundquist)
Issue No: 2009
Case No: X3684727A
Load No: [REDACTED]
Hearing
Date: November 19, 2009
Original Hearing Date:
May 20, 2009
Kalamazoo County DHS

ADMINISTRATIVE LAW JUDGE: Janice G. Spodarek

REHEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 24.287(1) and 1993 AACS R 400.919 upon a Circuit Court Remand of a prior Decision and Order by Administrative Law Judge William Sundquist issued on May 29, 2009. After the Circuit Court Remand, Administrative Law Manager, Judge Snider reassigned a Rehearing to Administrative Law Judge Spodarek. A de nova evidentiary rehearing was held on November 19, 2009 by ALJ Spodarek. Claimant was represented by [REDACTED] of [REDACTED].

ISSUE

Is claimant eligible for 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 August 28, 2008, claimant applied for MA-P with the Michigan DHS.
- (2) Claimant did not apply for retro MA. Claimant applied for three months of retro MA.
- (3) On October 21, 2008, the MRT denied.
- (4) On October 22, 2008, the DHS issued notice.
- (5) On December 22, 2008, claimant filed a hearing request.
- (6) Claimant has an SSI application pending with the Social Security Administration (SSA). After claimant's hearing request, SHRT denied claimant.
- (7) On May 20, 2009, an administrative hearing was held with Judge Sundquist, Reg. #2009-11539. On June 23, 2009, Judge Sundquist upheld the department's denial of claimant's MA-P application.
- (8) On July 23, 2009, claimant's attorney filed a petition for review in the [REDACTED] [REDACTED] requesting a rehearing. The [REDACTED] issued an Order Remanding this case to the DHS.
- (9) On October 27, 2009, Administrative Law Manager ALJ Martin D. Snider issued an Order for Remand for Rehearing assigning this case to Administrative Law Judge Janice G. Spodarek on November 19, 2009 at 10 a.m. Reg. #2010-2147.
- (10) SHRT issued two subsequent decisions reviewing new and additional medical documentation. Both of the decisions denied claimant MA-P.

(11) Prior to the issuance of a Decision and Order in this case by the undersigned Administrative Law Judge, claimant's attorney on July 15, 2010 notified the undersigned Administrative Law Judge that claimant received a fully favorable decision from the Social Security Administration.

(12) On July 14, 2010, the undersigned Administrative Law Judge received an SOLQ SSA Response Report indicating claimant was approved disability benefits by SSA. Claimant's onset date is identified as September 1, 2008. There are no months left for a substantive review in the case herein.

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; PEM, Item 261.

The department is required to initiate a determination of claimant's financial eligibility for the requested benefits, if required by DHS policy and procedure.

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 MA program as of the August 28, 2008 application date, including any retro MA months, if otherwise eligible, and as permitted under policy and procedure.

The department shall review this case in accordance with its usual policy and procedure.

/S/ _____
Janice G. Spodarek
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: July 29, 2010

Date Mailed: July 30, 2010

NOTICE: The law provides that within 30 days of the mailing of the above Remanded Decision, the appellant may appeal it to the circuit court for the county in which he/she lives.

JGS/tg

cc:

