

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

IN THE MATTER:

[REDACTED]

Reg No. 201028095
Issue No. 2009
Case No. [REDACTED]
Load No. [REDACTED]
Hearing Date: June 16, 2010
Lenawee County DHS

ADMINISTRATIVE LAW JUDGE: Marlene B. Magyar

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon the claimant's request for a hearing. After due notice, an in-person hearing was held on June 16, 2010. Claimant and his parents personally appeared and testified. He was represented by [REDACTED]

ISSUE

Did the department properly determine claimant's disability status for Medicaid (MA)/retro-MA eligibility purposes?

FINDINGS OF FACT

The Administrative Law Judge, based upon the competent, material, and substantial evidence on the whole record, finds a material fact:

1. On February 3, 2010, claimant applied for MA/retro-MA.
2. On March 9, 2010, the department sent claimant a denial notice.
3. On March 22, 2010, the department received claimant's timely written hearing request disputing this denial.

4. On June 16, 2010, claimant's hearing was held and the record was extended to allow his authorized hearing representative additional time to submit updated documents.
5. Claimant's new evidence was then submitted to the department's State Hearing Review Team (SHRT) for a post-hearing review.
6. On November 17, 2010, SHRT reversed its earlier denial of claimant's February 3, 2010 MA/retro-MA application.
7. SHRT determined the new evidence shows claimant is currently disabled and has been disabled at all times relevant to his disputed application.
8. SHRT made this determination based on a disability allowance granted by the Social Security Administration (SSA), per their post-hearing decision issued on November 17, 2010.
9. On November 18, 2010, SHRT provided the presiding Administrative Law Judge with verification of claimant's SSA entitlement and approving MA/retro-MA consistent with same, retroactive to November 1, 2009.

CONCLUSIONS OF LAW

The Medical Assistance (MA) program is established by the 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 (formerly known as the Family Independence Agency) administers the MA program pursuant to MCL 400.10, *et seq.*, and MCL 400.105. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Program Reference Manual (PRM).

In the present case, the SSA's disability allowance, received while claimant's MA/retro-MA was pending, currently establishes he is disabled and has been disabled at all times relevant to his February 3, 2010 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 current disability status.

Accordingly, the department's SHRT 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, a medical review of claimant's condition is not necessary in lieu of the SSA allowance. **SO ORDERED.**

/s/
Marlene B. Magyar
Administrative Law Judge
For Ismael Ahmed, Director
Department of Human Services

Date Signed: November 22, 2010

Date Mailed: November 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 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.

MBM/db

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