

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: 2010-2898
Issue No: 2009, 4031
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
November 25, 2009
Berrien County DHS

ADMINISTRATIVE LAW JUDGE: Ivona Rairigh

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 November 25, 2009. Claimant personally appeared and testified.

ISSUE

Did the department properly determine that the claimant was not disabled for Medicaid (MA), retroactive MA and State Disability Assistance (SDA) eligibility purposes?

FINDINGS OF FACT

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

1. Claimant applied for MA, retro MA and SDA on July 23, 2009.
2. On August 19, 2009 department's Medical Review Team determined claimant was not disabled for MA and SDA eligibility purpose.

3. On September 8, 2009 department sent the claimant a notice saying his MA and SDA application has been denied.

4. On September 14, 2009 claimant requested a hearing on department's action.

5. On November 2, 2009 department's State Hearing Review Team (SHRT) determined that the claimant was not disabled for MA and SDA eligibility purposes.

6. Claimant submitted additional medical evidence following the hearing which was forwarded to SHRT for review. On April 1, 2010 SHRT advised that the Disability Determination Service has approved the claimant for benefits in December, 2009, and it is anticipated that the claimant will be placed into payment status. SHRT therefore approved claimant's MA and retro MA application effective April, 2009, and also his SDA 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 Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Program Reference Manual (PRM).

Based on SHRT determination, it is not necessary for the Administrative Law Judge to discuss the issue of disability, per Program Administrative Manual, Item 600.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the claimant is disabled for MA, retroactive MA and SDA eligibility purposes.

Accordingly, department is to:

1. Initiate a review of claimant's July 23, 2009 MA and SDA application to determine if all other non-medical eligibility criteria are met. The department shall inform the claimant of the determination in writing.

2. If claimant is determined eligible for MA and SDA, a medical review of claimant's benefits is to take place in March, 2011. If the claimant is in current payment status with SSA at medical review, no further action will be necessary. However, if the claimant is not in current payment status at medical review, updated application forms (DHS-49 forms) and updated medical records are to be obtained by the department.

SO ORDERED.

/s/ _____
Ivona Rairigh
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: April 6, 2010

Date Mailed: April 6, 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.

2010-2898/jws

cc:

