

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: 2010-2935
Issue No: 2009/4031
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
December 9, 2009
Ionia County DHS

ADMINISTRATIVE LAW JUDGE: Jana A. Bachman

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 December 9, 2009.

ISSUE

Whether claimant has established disability for Medical Assistance (MA) and State Disability Assistance (SDA).

FINDINGS OF FACT

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

- (1) May 21, 2009, claimant applied for MA and SDA.
- (2) August 4, 2009, the Medical Review Team (MRT) denied claimant's application.

Department Exhibit A.

(3) August 17, 2009, the department sent claimant written notice that the application was denied.

(4) September 8, 2009, the department received claimant's timely request for hearing.

(5) October 30, 2009, the State Hearing Review Team (SHRT) denied claimant's application. Department Exhibit B.

(6) December 9, 2009, the telephone hearing was held. Prior to the close of the record, department and claimant submitted additional medical evidence. Claimant waived the right to a timely hearing decision.

(7) February 23, 2010, after review of new medical evidence, the SHRT approved claimant's disability effective the MA retroactive month of February 2009. The SHRT approved claimant's disability for SDA effective the application month. SHRT Decision, 2-23-10.

(8) Claimant meets the disability requirements to qualify for MA effective the earliest retroactive month of application. Claimant meets the disability requirements to qualify for SDA effective the month of 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).

A person meets the disability or blindness factor for a month if he is determined disabled or blind for the month being tested. Bridges Eligibility Manual (BEM0 260; 42 CFR 435/540, .541; MCL 400.106.

In this case, claimant received a fully favorable decision from the SHRT regarding disability. The SHRT determined that claimant is disabled and for MA purposes disability onset effective February 2009. For SDA purposes, disability onset is the month of application. Finding of Fact 7-8. As such, it is not necessary for the Administrative Law Judge to discuss claimant's disability. Claimant meets the disability requirements under law for Medical Assistance effective February 2009 and meets the disability requirements for SDA effective May 2009.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that claimant has established disability for Medical Assistance and State Disability Assistance.

Accordingly, the department's action is, hereby, REVERSED. The department is to initiate an evaluation of claimant's financial eligibility for Medical Assistance beginning February 2009 and State Disability Assistance beginning May 2009 in compliance with this Decision and Order and department policy. If otherwise eligible, medical review is set for February 2011.

/s/ _____
Jana A. Bachman
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: April 22, 2010

Date Mailed: April 22, 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.

JAB/db

cc:

