

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

IN THE MATTER OF:

[REDACTED]

Reg. No: 2010-29430

Issue No: 2009

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

December 7, 2010

Genesee County DHS (6)

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, a telephone hearing was held on December 7, 2010. Claimant personally appeared and testified. Claimant was represented at the hearing by [REDACTED]

ISSUE

Whether claimant was eligible for retroactive Medical Assistance benefits for the months of April, May and June 2008?

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 July 23, 2008, claimant filed an application for Medical Assistance, retroactive Medical Assistance and State Disability Assistance benefits alleging disability.
- (2) On September 16, 2008, the Medical Review Team denied claimant's application stating that claimant's impairments lack duration.
- (3) On September 25, 2008, the department caseworker sent claimant notice that his application was denied.
- (4) On December 23, 2008, claimant filed a request for a hearing to contest the department's negative action.
- (5) On February 17, 2009, the State Hearing Review Team again denied claimant's application stating that claimant was capable of performing

other work in the form of medium work per 20 CFR 416.967(c) pursuant to Medical Vocational Rule 203.21.

- (6) The hearing was held on April 14, 2009. At the hearing, claimant waived the time periods and requested to submit additional medical information.
- (7) Additional medical information was submitted and sent to the State Hearing Review Team on April 15, 2009.
- (8) On May 4, 2009, the State Hearing Review Team approved claimant's application stating that he met or equaled the listing of 13.25.
- (9) On June 2, 2009, Administrative Law Judge Lain determined in her Decision and Order that claimant met the definition of medically disabled under the Medical Assistance and State Disability Assistance program as of July 23, 2008, application date. The Administrative Law Judge did not address the retroactive Medical Assistance application in the Decision and Order.
- (10) On November 6, 2009, the department sent claimant notice that he was approved for Medical Assistance with a deductible effective July 1, 2008.
- (11) On December 3, 2009, [REDACTED] and claimant filed a request for a hearing to contest the fact that [REDACTED] the retroactive Medical Assistance application was not addressed.
- (12) The hearing was held on December 7, 2010.
- (13) The department representative conceded on the record that a retroactive Medical Assistance application was filed for the months of April, May and June 2008, along with the original July 23, 2008, 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).

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the claimant met the definition of medically disabled under the

Medical Assistance program for purposes of the retroactive Medical Assistance application for the months of April, May and June 2008.

Accordingly, the department's decision is ORDERED to initiate a review of the July 23, 2008, retroactive Medical Assistance application for the months of April, May and June 2008, 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 his eligibility or lack thereof in writing.

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

Date Signed: December 10, 2010

Date Mailed: December 13, 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.

LYL/alc

cc:

