

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: 2010-30214
Issue No: 2009
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
May 12, 2010
Ingham 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, an in-person hearing was held on May 12, 2010. Claimant personally appeared and testified. Claimant was represented by [REDACTED].

ISSUE

Did the department properly determine in January, 2010 that the claimant was not disabled for Medicaid (MA) and retroactive MA 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 and retroactive MA on November 17, 2009.
2. On January 4, 2010 department's Medical Review Team determined claimant was not disabled for MA eligibility purpose.

3. On January 11, 2010 department sent the claimant a notice saying his MA application has been denied.

4. On April 7, 2010 claimant requested a hearing on department's action.

5. On April 20, 2010 department's State Hearing Review Team (SHRT) determined that there was insufficient evidence to adjudicate claimant's case. SHRT suggested additional medical information be obtained, namely a physical and a mental status examination.

6. Examination results were received following the hearing and submitted to SHRT for review. On June 17, 2010 SHRT determined that the medical evidence sufficiently demonstrates that the intent and severity of listing 12.05 C/D is equaled. SHRT therefore approved MA and retroactive MA effective August, 2009, with a medical review date of June, 2013.

7. SHRT also indicated State Disability Assistance approval, however there is no indication that the claimant had applied for such benefits.

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 (RFT).

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 and retroactive MA eligibility purposes.

Accordingly, department is to:

1. Initiate a review of claimant's November 17, 2009 MA and retroactive MA 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, a medical review of claimant's benefits is to take place in June, 2013, at which time the prior folder and medical along with updated application forms and updated medical information from December, 2012 to current is to be obtained.

SO ORDERED.

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

Date Signed: June 21, 2010

Date Mailed: June 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.

2010-30214/IR

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.

IR/tg

cc:

