

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

IN THE MATTER OF:



Reg. No: 2010-33740
Issue No: 2009
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
June 10, 2010
Kalamazoo County DHS

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, an in-person hearing was held on June 10, 2010, before Administrative Law Judge Jana Bachman. Claimant personally appeared and testified. Claimant was represented at the hearing by [REDACTED]

ISSUE

Whether claimant meets the disability criteria for Medical Assistance and retroactive Medical Assistance?

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 November 24, 2009, claimant filed an application for Medical Assistance and Retroactive Medical Assistance benefits.
- (2) On January 29, 2009, the Medical Review Team denied claimant's application.
- (3) On February 2, 2010, the department caseworker sent claimant notice that her application was denied.
- (4) On March 23, 2010, claimant's representative filed a request for a hearing to contest the negative action.

- (5) On May 14, 2010, the State Hearing Review Team again denied claimant's application.
- (6) On December 14, 2010, the Social Security Administration sent claimant notice that she met all the rules to be eligible for SSI beginning October 31, 2009. She was found to be disabled with a disability onset date of July 2009.

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).

Because of the Social Security Administration determination it is not necessary for the Administrative Law Judge to discuss the issue of disability. BEM, Item 260.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the claimant meets the definition of medically disabled under the Medical Assistance and the retroactive Medical Assistance Program as of the November 24, 2009, application date.

Accordingly, the department's decision is REVERSED. The department is ORDERED to open an ongoing Medical Assistance case for claimant effective the month of SSI entitlement.

Landis

/s/
Y. Lain
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: January 28, 2011

Date Mailed: January 31, 2011

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:

