

STATE OF MICHIGAN  
MICHIGAN ADMINISTRATIVE HEARING SYSTEM  
ADMINISTRATIVE HEARINGS FOR THE  
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:



Reg. No: 201041127

Issue No: 2009



Hearing Date: July 28, 2010

Roscommon County DHS

**ADMINISTRATIVE LAW JUDGE:** Janice G. Spodarek

**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 to protest the denial of claimant's application for MA-P. After due notice, a telephone hearing was held on July 28, 2010.

**ISSUE**

Whether claimant meets the disability criteria for Medical Assistance (MA)?

**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 May 28, 2010, claimant applied for MA-P with the Michigan Department of Human Services (DHS).
2. Claimant applied for 3 months of retro MA.
3. On June 17, 2010, MRT denied.
4. On June 21, 2010, the department issued notice.

5. On June 25, 2010, claimant filed a hearing request.
6. On July 8, 2010, SHRT denied claimant.
7. At the conclusion of the hearing, the record was held open at claimant's request for submission of additional medical records. Medical records were received and submitted to the State Hearing Review Team (SHRT), and on February 15, 2011 SHRT once again denied claimant.
8. Subsequent to the hearing, the Social Security Administration determined that claimant met the disability criteria for the programs with a disability onset date of May 1, 2010.
9. On May 2, 2011, the undersigned Administrative Law Judge received an SOLQ SSA Response Reporting indicating claimant was approved disability benefits by SSA. Claimant's onset date is identified as May 1, 2010. There are no months left to review.

#### **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).

Because of the Social Security Administration determination, it is not necessary for the Administrative Law Judge to discuss the issue of disability. PEM, Item 260; PEM, Item 261.

The department is required to initiate a determination of claimant's financial eligibility for the requested benefits, if required by DHS policy and procedure.

#### **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 program as of the May 2010 application date, including any retro MA months if otherwise eligible, and as permitted under policy and procedure.

Accordingly, the department's denial is hereby REVERSED.

The department shall review this case in accordance with its usual policy and procedure.

/s/

Janice G. Spodarek  
Administrative Law Judge  
for Maura D. Corrigan, Director  
Department of Human Services

Date Signed: May 9, 2011

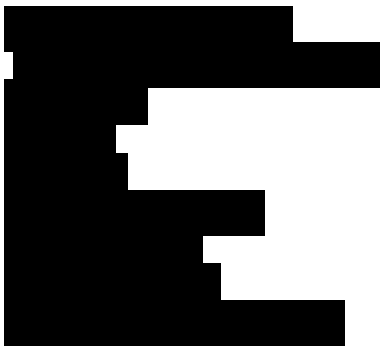
Date Mailed: May 9, 2011

**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 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.

JGS/db

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