

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: 2010-42086
Issue No: 2009
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
August 10, 2010
Tuscola 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, a telephone hearing was held on August 10, 2010. Claimant personally appeared and testified. Also appearing on claimant's behalf was [REDACTED].

ISSUE

Did the department properly deny claimant's February 1, 2010 Medicaid (MA) and retro MA application, finding she lacks a legally disabling condition?

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 retro MA on February 1, 2010.
2. On May 19, 2010 department's Medical Review Team determined that the claimant was not disabled for MA eligibility purposes.

3. On June 23, 2010 department sent the claimant an Application Eligibility Notice denying her MA application.

4. Claimant requested a hearing on June 30, 2010.

5. On July 16, 2010 department's State Hearing Review Team also determined that the claimant was not disabled.

6. At the hearing claimant testified that she had applied for Social Security disability benefits and was told that a decision has been made on her application.

7. Hearing was briefly stopped so department staff could obtain the SOLQ Date from SSA computer matching report. This report shows that the claimant has been approved for RSDI effective January 1, 2010, with disability onset date of July 7, 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 (RFT).

In Michigan, the SSA's determination of disability onset is established for MA eligibility purposes. In the present case, evidence of the favorable SSA decision established that the claimant met the federal disability standard necessary to qualify for MA pursuant to PEM 260.

The SSA determined claimant has been disabled since July 7, 2009. Consequently, the department must reverse its MA and retro MA denial, and process claimant's disputed application in accordance with department policy.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department erred in determining claimant is not disabled.

Accordingly, department's action is REVERSED. Department shall:

1. Process claimant's disputed MA and retro MA application and issue her any benefits she was entitled to but did not receive, based on February 1, 2010 application date, if she is otherwise eligible to receive them (i.e. meets all of the other required eligibility criteria)
2. Notify the claimant of this determination in writing.
3. Review claimant's continued MA eligibility in September, 2011. If the claimant is still receiving RSDI and/or SSI at that time, no further action is needed. If not, updated medical information needs to be obtained.

SO ORDERED.

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

Date Signed: August 12, 2010

Date Mailed: August 12, 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.

2010-42086/IR

IR/tg

cc:

