

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: 2010-43016
Issue No: 2009
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
August 18, 2010
Lapeer 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 August 18, 2010. Claimant personally appeared and testified. Claimant was represented by [REDACTED].

ISSUE

Did the department properly deny claimant's December 28, 2009 Medicaid (MA) and retro MA application, finding he 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 December 28, 2009.
2. On March 26, 2010 department's Medical Review Team determined that the claimant was not disabled for MA eligibility purposes.

3. On March 30, 2010 department sent the claimant an Application Eligibility Notice denying his MA application.

4. Claimant requested a hearing on June 21, 2010.

5. On July 21, 2010 department's State Hearing Review Team (SHRT) also determined that the claimant was not disabled.

6. Hearing took place on August 18, 2010, at which time claimant and his representative advised that he has applied for Social Security disability and that his application was pending.

7. On September 21, 2010 claimant's representative faxed the Social Security Administration's (SSA) decision stating that the claimant is entitled to monthly disability benefits beginning May, 2009. Claimant's disability onset date was determined to be November 7, 2008.

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 November 7, 2008. 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 December 28, 2009 MA and retro MA application and issue him any benefits he was entitled to but did not receive.
2. Notify the claimant and his representative of this determination in writing.

SO ORDERED.

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

Date Signed: September 22, 2010

Date Mailed: September 22, 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.

IR/tg

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cc:

