

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

IN THE MATTER:

[REDACTED]

Reg No. 201046252
Issue No. 2009
Case No. 1 [REDACTED]
Load No. [REDACTED]
Hearing Date: September 9, 2010
Iosco County DHS

ADMINISTRATIVE LAW JUDGE: Marlene B. Magyar

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon the claimant's request for a hearing. After due notice, a telephone hearing was held on September 9, 2010. Claimant personally appeared and testified. He knowingly and willingly waived his right to third party representation at hearing ([REDACTED] choosing instead to be assisted by his nurse, [REDACTED])

ISSUE

Did the department properly determine claimant is not disabled by Medicaid (MA) eligibility standards?

FINDINGS OF FACT

The Administrative Law Judge, based upon the competent, material, and substantial evidence on the whole record, finds a material fact:

1. On June 17, 2010, claimant applied for MA/retro-MA.
2. On July 21, 2010, the department sent claimant a denial notice.
3. On July 29, 2010, the department received claimant's timely written hearing request disputing this denial.
4. On September 9, 2010, claimant's hearing was held and the record was extended to allow him additional time to submit updated treatment documents.

5. On September 21, 2010, claimant's evidence was submitted to the department's State Hearing Review Team (SHRT) for a post-hearing review.
6. On September 25, 2010, SHRT reversed its earlier denial of claimant's June 17, 2010 MA application.
7. SHRT determined the new evidence shows claimant is currently disabled and has been disabled at all times since June 1, 2010.
8. SHRT made this determination based on a finding that claimant's medical records were sufficient to establish his physical impairment met Listing 11.08 as of June 1, 2010.
9. On September 28, 2010, this Administrative Law Judge received written verification of claimant's disability onset date, and she fully concurs with the SHRT doctors finding after her independent review of all the exhibits and testimony received at hearing.

CONCLUSIONS OF LAW

The Medical Assistance (MA) program is established by the 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 (formerly known as the Family Independence Agency) 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).

In the present case, SHRT's decision, received while claimant's appeal was pending, currently establishes claimant is disabled and has been disabled since January 1, 2010. As such, this Administrative Law Judge supports SHRT's approval.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides the department, through SHRT, properly determined claimant's current disability status and onset date.

Accordingly, the department's decision is AFFIRMED, and claimant's disputed application shall be processed with benefits awarded as long as he meets all the other financial and non-financial requirements necessary to receive them starting June 1, 2010. Additionally, a medical review of claimant's condition is necessary

in October 2011, as specified in the SHRT approval dated September 25, 2010.
SO ORDERED.

/S/
Marlene B. Magyar
Administrative Law Judge
For Ismael Ahmed, Director
Department of Human Services

Date Signed: October 7, 2010

Date Mailed: October 7, 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 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.

MBM/db

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