

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

IN THE MATTER OF THE CLAIM OF:



Reg. No.: 2010-48560
Issue No.: 2009
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: January 24, 2011
Wayne County DHS (35)

ADMINISTRATIVE LAW JUDGE: Robert Chavez

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 January 24, 2011.

ISSUE

Was the denial of claimant's application for MA-P and retroactive MA-P for lack of disability correct?

FINDINGS OF FACT

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

1. Claimant applied for MA-P and retroactive MA-P on September 17, 2009, with retroactive coverage back to June, 2009.
2. On May 11, 2010, the Medical Review Team denied MA-P and retroactive MA-P.
3. On August 2, 2010, claimant filed for hearing.
4. On August 23, 2010, the State Hearing Review Team denied MA-P and retroactive MA-P.
5. On January 24, 2011, a hearing was held before the Administrative Law Judge.

6. The Social Security Administration issued a decision in claimant's case, finding disability for the purpose of securing RSDI income.
7. The Social Security Administration gave claimant a disability onset date of June 11, 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 Bridges Reference Manual (BRM) and Reference Tables (RFT).

Department policy at BEM 260 states that if a claimant has been found eligible for either SSI or RSDI based upon a finding of disability, the person meets the Department's MA disability criteria. No other evidence is required to establish disability. In the present case, the claimant was found by the Social Security Administration to be eligible for RSDI benefits based upon disability, and has presented prima facie evidence of the same. This disability was found by the Social Security Administration to have an onset date of June 11, 2009, which is an onset date prior to the claimant's MA-P request. Therefore, the Administrative Law Judge finds that the claimant met the Department's definition of disabled for the purposes of MA-P.

DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law, decides that the claimant is medically disabled for the purposes of the MA program, pending a review of all non-medical eligibility factors.

Accordingly, the Department's decision in the above stated matter is, hereby, REVERSED.

The Department is ORDERED to process claimant's Medicaid application of September 17, 2009, and initiate a review of all non-medical eligibility factors, if it has not already done so.

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The Department is further ORDERED to initiate a full review of this case in February, 2012.



Robert Chavez
Administrative Law Judge
For Maura Corrigan, Director
Department of Human Services

Date Signed: 2/10/2011

Date Mailed: 2/10/2011

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.

RC/jlg

cc:

