

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

IN THE MATTER OF:

[REDACTED]

Reg. No: 2010-7563
Issue No: 2009
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
January 5, 2010
Ingham County DHS

ADMINISTRATIVE LAW JUDGE: Landis Y. Lain

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 January 5, 2010. This hearing was originally held by Administrative Law Judge Jana Bachman. Judge Bachman is no longer affiliated with the State Office of Administrative Hearings and Rules and Administrative Law Judge Landis Y. Lain completed this hearing's Decision and Order. Claimant was represented at the hearing by [REDACTED]

ISSUE

Whether the claimant meets the disability criteria for Medical Assistance and retroactive Medical Assistance?

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 8, 2009, [REDACTED] applied for Medical Assistance for claimant alleging disability.
- (2) On July 9, 2009, the Medical Review Team denied claimant's application.
- (3) On July 13, 2009, the department case worker sent claimant notice that her application was denied.
- (4) On **December 1, 2009**, claimant filed a request for a hearing to contest the department's negative action.

- (5) On December 1, 2009, the State Hearing Review Team again denied claimant's application.
- (6) The hearing was held on October 13, 2009. At the hearing, claimant waived the time periods and requested to submit additional medical information.
- (7) On January 5, 2010, claimant had a hearing before the Social Security Administration. The claimant has been approved for Social Security Supplemental Security Income with an onset date of May 27, 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 (PRM).

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

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 8, 2009, application date.

Accordingly, the department's decision is REVERSED. The department is ORDERED to open an on-going Medical Assistance case for the claimant effective the month of SSI entitlement. The department shall inform the claimant of a determination in writing.

Landis

/s/ _____
Y. Lain
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: January 28, 2011

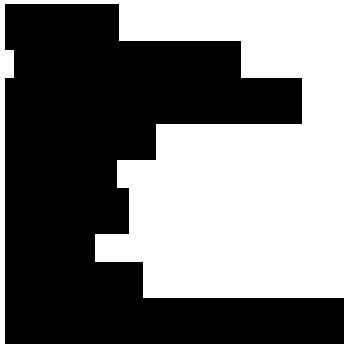
Date Mailed: January 31, 2011

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.

LYL/alc

cc:

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