

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

IN THE MATTER OF:



Reg. No: 2011-2732

Issue No: 2009

Case No:



Load No:


Hearing Date:

January 13, 2011

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 13, 2011. Claimant personally appeared and testified. Claimant was represented at the hearing by 

ISSUE

Whether claimant meets the disability criteria for Medical Assistance (MA-P) and retroactive Medical Assistance (retro MA-P)?

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 June 21, 2010, claimant filed an application for Medical Assistance and Retroactive Medical Assistance benefits alleging disability.
- (2) On July 6, 2010, the Medical Review Team denied claimant's application stating that claimant could perform prior work.
- (3) On July 6, 2010, the department caseworker sent claimant notice that her application was denied.
- (4) On October 4, 2010, claimant filed a request for a hearing to contest the department's negative action.
- (5) On November 9, 2010, the State Hearing Review Team again denied claimant's application stating in its' analysis and decision: the objective

medical evidence presented does not establish a disability at the listing or equivalence level. In following the sequential evaluation process the claimant is not engaged in substantial gainful activity. The claimant's impairment's do not meet/equal the intent of a Social Security listing. The claimant retains the capacity to perform work of at least an unskilled medium level. This may be consistent with past relevant work. However, there is no detailed description of past work to determine this. In lieu of denying benefits as capable of performing past work a denial to other work on a vocational rule will be used. Therefore, MA -P is denied per vocational rule 203.24. Retro MA-P was reviewed and denied.

- (6) An SOLQ report for the Social Security Administration indicates that claimant was approved for Social Security disability with a disability onset date of December 30, 2008. Claimant is currently receiving Social Security benefits in the amount of \$ [REDACTED] per month.

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.

The department is required to initiate a determination of the claimant's financial eligibility for the requested benefits if not previously done.

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 June 21, 2010, application date and for the 3 months retroactive period which would be March, April and May 2010.

Accordingly, the department's decision is REVERSED. The department is ORDERED to initiate a review of the June 21, 2010, Medical Assistance and retroactive Medical Assistance benefit application if it has not already done so to determine if all other non-medical eligibility criteria are met. The department shall inform the claimant of the determination in writing.

The department shall conduct a medical review in January 2012 and determine whether or not claimant remains eligible for RSDI benefits and whether or not claimant remains disabled.

Landis

/s/

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

Date Signed: January 28, 2011

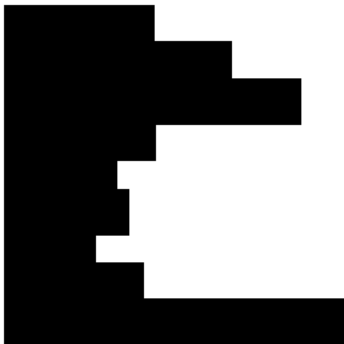
Date Mailed: January 31, 2011

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

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