

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

IN THE MATTER OF:

[REDACTED]

[REDACTED]
Kalamazoo County DHS

ADMINISTRATIVE LAW JUDGE: Vicki L. Armstrong

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, an in-person hearing was held on September 13, 2011. Claimant and her personal representative, [REDACTED].

ISSUE

Did the department properly deny claimant's Medicaid (MA) and Retro-MA application based on a finding she 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. On December 9, 2010, claimant applied for MA and Retro-MA.
2. On February 15, 2010, the department's Medical Review Team (MRT) denied disability status, followed by pre-hearing concurrence issued by the department's State Hearing Review Team (SHRT) on July 1, 2011. (Department Exhibit A, pages 35-36; Department Exhibit B).
3. Claimant's self-requested appeal hearing disputing these decisions was held on September 13, 2011.
4. At hearing, the department's witness provided this presiding Administrative Law Judge with verification of the Social Security

Administration's (SSA's) decision finding Claimant was disabled with a benefit entitlement effective May 2, 2004, which is long before Claimant filed her disputed MA/Retro application (Department Exhibit C) (See also Finding of Fact #1 above).

5. The department stipulated on the record at hearing Claimant's SSA approval establishes a disability allowance for MA and Retro-MA eligibility purposes.

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 Reference Tables Manual (RFT).

In the present case, the SSA's disability allowance, received while Claimant's appeal was pending, currently establishes Claimant is disabled and has been disabled at all times relevant to her December 9, 2010 MA/Retro-MA application.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides the department erred in determining claimant is not disabled.

Accordingly, the department's decision is REVERSED, and it is Ordered that:

1. The department shall approve MA and Retro-MA benefits for Claimant as long as she is otherwise eligible to receive them.
2. Departmental review of Claimant's medical condition is not necessary as long as her SSA disability status continues.

/s/
Vicki L. Armstrong
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: 9/16/11

Date Mailed: 9/16/11

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.

VLA/ds

■ [REDACTED]