STATE OF MICHIGAN MICHIGAN ADMINISTRATIVE HEARING SYSTEM ADMINISTRATIVE HEARINGS FOR THE DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:



Reg No.2011-5890Issue No.2009Case No.Image: Case No.Hearing Date:April 13, 2011Allegan County DHS

ADMINISTRATIVE LAW JUDGE: Carmen G. Fahie

HEARING DECISION

This mat ter is before the undersigned Administr ative Law Judge pursuant to MCL 400. 9; MSA 16.409 and MCL 400. 37; MSA 16.437 upon claimant's October 18, 2011 request for a hearing to pr otest the department's denial of the claimant's Medical As sistance and retroactive MA-P. A fter due notice, an in-person hearing was held on Wednesday, April 13, 2011. The claimant personally appeared and testified with her husband, A.L. and authorized represent ative, Hasan Abraham, from L&S Associates, Inc.

ISSUE

Whether claimant meets the disability criteria for MA-P and retroactive MA-P?

FINDINGS OF FACT

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

- 1. On July 8, 2010, claimant applied for r MA-P and retroactive MA-P to April 2010.
- 2. Subsequent to the hearing, the Soci al Security Administration determined that the cl aimant met the disability criteria for the RS DI program with a disability onset date of January 1, 2011.
- 3. This Administrative Law Judge finds t hat the claimant met the eligibility of MAP retroactive to April 2010 w hen she had 2 stents placed for her coronary arterial disease and subsequent treatment and medications.

CONCLUSIONS OF LAW

The Medic al Assistance (MA) program is est ablished by the Title XIX of the Socia I 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 Independ ence Agency) administers the MA pr ogram pursuant to MCL 400.10, *et seq*., and MC L 400.105. Department polic ies are found in the Bri dges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Program Reference Manual (PRM).

Because of the Social Security Administration determination, it is not necess ary for the Administrative Law Judge to discuss the issue of disability. PEM, Item 260; PEM, Item 261.

The department is required to initiate a determination of claimant's financial eligibility for the requested benefits, if not previously done. The claimant is eligible for MA-P retroactive to April 2010.

DECISION AND ORDER

The Administrative Law Judge, based upon t he above findings of fact and conclusion s of law decides that the clai mant meets the definition of medically disabled under MA-P retroactive to April 2010.

Accordingly, the department is ORDERED to initiate a review of the July 8, 2010 application, if it has not already done so, to determine if all other non-medical eligibility criteria are met. The department shall info rm the claimant of the determination in writing.

/s/

Carmen G. Fahie Administrative Law Judge For Maura D. Corrigan, Director Department of Human Services

Date Signed: <u>April 19, 2012</u>

Date Mailed: <u>April 19, 2012</u>

NOTICE: Administrative Hearings may order a rehearing or reconsideration on either its own motion or at the request of a party wit Decision and Order. Administrative Hear reconsideration on the Department's mo tion where the final decis ion 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.

CC:			

CGF/ds