

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: 2011-6648

Issue No: 2009

[REDACTED]

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 February 1, 2011. Claimant personally appeared and testified. Claimant was represented at the hearing by [REDACTED].

ISSUE

Whether claimant meets the 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 14, 2010, [REDACTED] submitted an application for Medical Assistance and retroactive medical Assistance on claimant's behalf.
- (2) On August 4, 2010, the Medical Review Team denied claimant's application stating that claimant could perform other work.
- (3) On August 10, 2010, the department caseworker sent claimant notice that his application was denied.
- (4) On November 5, 2010, [REDACTED] filed a request for a hearing on claimant's behalf.
- (5) On December 2, 2010, the State Hearing Review Team again denied claimant's application stating that it needed additional medical information in the form of current medical records.

- (6) On July 31, 2010, the Social Security Administration granted claimant's application for Retirements Survivors and Disability Insurance (RSDI) with a disability onset date of November 1, 2008.

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 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 and retroactive Medical Assistance program as of the June 14, 2010, application date and the 3 months prior for the retroactive Medical Assistance month.

Accordingly, the department's decision is REVERSED. The department is ORDERED to initiate a review 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 a determination in writing. The department is ORDERED to conduct a medical review in February 2012 and at that time the claimant should provide current medical records, the prior medical file and information as to whether or not he remains eligible for RSDI income.

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

Date Signed: 2/9/11

Date Mailed: 2/9/11

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 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.

[REDACTED]

[REDACTED]

[REDACTED]