

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF: [REDACTED]

Claimant

Reg. No: 2007-30155

Issue No: 2009

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

June 18, 2008

Genesee County DHS

ADMINISTRATIVE LAW JUDGE: Marlene B. Magyar

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 June 18, 2008. Claimant personally appeared and testified. He has assisted by his brother.

ISSUE

Did the department properly determine claimant's disability status for Medicaid (MA) eligibility purposes?

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 July 13, 2007, claimant applied for MA.

(2) The department's State Hearing Review Team (SHRT) issued a prehearing denial on claimant's application on January 3, 2008 (Department Exhibit #2).

(3) Claimant promptly requested a hearing, at which, the presiding Administrative Law Judge extended the record for collection of updated medical reports from claimant's treating doctor, as well as the results of two independent mental status evaluations (See Interim Order Leaving Record Open).

(4) While claimant's appeal was pending, the Social Security Administration (SSA) determined claimant was disabled for Supplemental Security Income (SSI) purposes under their rules.

(5) On May 12, 2009, SHRT issued a post-hearing decision reversing their prior denial and awarding claimant a disability allowance retroactive to June, 2007 (the month before claimant's application month)(See also Finding of Fact #1 above).

(6) SHRT also recommended the department examine claimant's SSI status in one year to assure he is still receiving SSI disability benefits.

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 Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

In the present case, the Social Security Administration's (SSA's) disability allowance, received while claimant's appeal was pending, conclusively establishes claimant is disabled and has been disabled under his disputed MA application since June, 2007, consistent with his State Disability Assistance (SDA) approval month. As such, SHRT's post-hearing approval is correct and it must be upheld.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides the department, through SHRT, properly determined and verified claimant's disability status retroactive to June, 2007.

Accordingly, SHRT's decision is AFFIRMED, and it is Ordered claimant's MA case remain open as long as his SSI benefits continue.

/s/ _____
Marlene B. Magyar
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: May 18, 2009

Date Mailed: May 19, 2009

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.

2007-30155/mbm

MBM/db

cc:

