

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: 2008-18771
Issue No: 2009/4031
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
June 26, 2008
Ingham 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 26, 2008. Claimant personally appeared and testified. She was assisted by

[REDACTED]

ISSUE

Did the department properly deny claimant's July 23, 2007 Medicaid (MA)/retro-MA and State Disability Assistance (SDA) 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 January 31, 2008 the department denied claimant's disputed MA/retro-MA/SDA application, filed July 23, 2007; consequently, her authorized representative requested a hearing.

(2) Claimant's hearing was held on June 26, 2008; the record was extended at her authorized representative's request for submission of updated medical evidence to the department's State Hearing Review Team (SHRT) in hopes a favorable settlement decision would be issued prior to an evidentiary review by this Administrative Law Judge on the merits of the case.

(3) On April 22, 2009, SHRT issued a deferral decision requesting claimant to undergo an independent, consultative physical examination; this decision listed several specific assessment areas and requested pulmonary function studies be done (See SHRT Decision dated 4/22/09).

(4) While the evidentiary record was pending for completion of SHRT's deferral request, specifically, on June 11, 2009, claimant's authorized representative submitted a Social Security Decision which confirms claimant qualified for a disability allowance as of April 29, 2007.

(5) The presiding Social Security Administration Law Judge stated in his Partially Favorable Decision:

After careful consideration of all the evidence, I conclude that the claimant was not disabled prior to April 29, 2007, but became disabled on that date and has continued to be disabled through the date of this decision (5/21/09).

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).

The State Disability Assistance (SDA) program which provides financial assistance for disabled persons is established by 2004 PA 344. The Department of Human Services (DHS or department) administers the SDA program pursuant to MCL 400.10, *et seq.*, and MAC R 400.3151-400.3180. Department policies are found in the Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

In Michigan, the Social Security Administration's (SSA's) determination of disability onset is binding for MA eligibility purposes. The same standard is applied in SDA cases. In the present case, evidence of the favorable SSA decision conclusively establishes claimant meets the federal disability standard necessary to qualify for MA/SDA, pursuant to PEM Items 150 and 260.

Claimant has shown she was determined disabled as of April, 2007. Consequently, the department must reverse its erroneous denial and process claimant's disputed application in accordance with departmental policy.

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 Order that:

(1) The department shall approve MA/retro-MA/SDA benefits to claimant if she is otherwise eligible to receive them.

(2) Departmental reivew of claimant's medical condition is not necessary as long as SSA disability status continues.

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

Date Signed: _____

Date Mailed: _____

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.

MBM/db

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