

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: 2008-30446
Issue No: 2009
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
March 11, 2009
Montmorency County DHS

ADMINISTRATIVE LAW JUDGE: Ivona Rairigh

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, a telephone hearing was held on March 11, 2009. Claimant personally appeared but was unable to testify due to being "non-verbal and non-responsive" according to the county staff. Claimant's husband, [REDACTED] testified on behalf of his wife.

ISSUE

Did the department properly deny claimant's July 28, 2008, Medicaid (MA) application, 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. Claimant applied for MA on July 28, 2008, after suffering a head injury earlier in this month.

2. On August 20, 2008, department's Medical Review Team determined that the claimant was not disabled for MA eligibility purposes.

3. On August 22, 2008, department sent the claimant an Application Eligibility Notice denying her MA application.

4. Claimant requested a hearing on September 10, 2008, through her husband as her representative.

5. On September 18, 2008, department's State Hearing Review Team also determined that the claimant was not disabled.

6. At the hearing department advised of and subsequently submitted an SOLQ SSA Response, Report Number SA-010, showing that the Social Security Administration (SSA) found the claimant disabled, and that her SSA disability benefits have been approved.

7. Claimant's alleged impairments at the MA hearing are identical to those reviewed by SSA.

8. SSA determined that the claimant has been under a "disability" as defined in the Social Security Act, from July 22, 2008, through the date of the determination.

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 Michigan, the SSA's determination of disability onset is established for MA eligibility purposes. In the present case, evidence of the favorable SSA decision established that the claimant met the federal disability standard necessary to qualify for MA pursuant to PEM, Items 150 and 260.

The SSA determined that the claimant has been disabled since July, 2008. Consequently, the department must reverse its denial, and process claimant's disputed application in accordance with department's policy.

DECISION AND ORDER

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

Accordingly, department's action is REVERSED, and it is ORDERED that:

1. The department shall approve MA benefits for the claimant retroactive to July, 2008, if she is otherwise eligible to receive them (i.e. meets all of the other required criteria).
2. Department's review of claimant's medical condition is not necessary, per SSA approval.

/s/ _____
Ivona Rairigh
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: March 19, 2009

Date Mailed: March 20, 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 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.

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