

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: 2008-17344

Issue No: 2009/4031

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

December 3, 2008

St. Joseph 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 December 3, 2008. Claimant personally appeared and testified. She was assisted by [REDACTED]

ISSUE

Did the department properly determine claimant's disability status for Medicaid (MA) and State Disability Assistance (SDA) 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 June 22, 2007, claimant applied for MA/retro-MA/SDA.
- (2) On January 3, 2008, the department sent claimant a denial notice.

(3) Claimant's authorized representative promptly requested a hearing, held on December 3, 2008.

(4) At the hearing, a record extension was granted for the submission of updated medical reports.

(5) This medical evidence was submitted to SHRT for a post-hearing review.

(6) On September 3, 2009, SHRT reversed its earlier denial of claimant's disputed application based on a finding claimant meets Listing 201.09.

(7) While claimant's appeal was pending, her authorized representative also submitted a Social Security Administration (SSA) approval which sets claimant's disability onset date as of December 2005.

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 the present case, SHRT's reversal of claimant's disputed application was appropriate; however, SHRT erred in limiting her retro-MA begin date to April 2008.

In Michigan, retro-MA is available up to three months prior to the application month, if all other eligibility criteria are met. As such, the first eligibility month to consider in this case would be March 2008, not April 2008 as specified by SHRT. Furthermore, the claimant's case is not subject to a mandatory medical review as long as her Social Security disability approval continues.

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 claimant's disability status but improperly set the first retro-MA month as April 2008.

Accordingly, the department's decision is **PARTIALLY AFFIRMED** and **PARTIALLY REVERSED**. Claimant's disputed application is returned to the local office for reinstatement and processing with benefits awarded if claimant meets all the other financial and non-financial requirements necessary to receive them. Additionally, no review of claimant's condition is necessary as long as her SSA approval continues. **SO ORDERED.**

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

Date Signed: September 10, 2009

Date Mailed: September 10, 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.

MBM/db

cc:

