

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: 2008-19952

Issue No: 2009/4031

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

October 1, 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 October 1, 2008. Claimant personally appeared and testified. She was assisted by Shane Gerritsen, a patient advocate from [REDACTED].

ISSUE

Did the department properly deny claimant's November 16, 2007 Medicaid (MA), retro-MA and State Disability Assistance (SDA) 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/retro-MA/SDA on November 16, 2007.
- (2) The department denied claimant's MA/retro-MA/SDA application on March 25, 2008.
- (3) Claimant's hearing was held on October 1, 2008 and the record was extended for receipt of updated medical information.
- (4) While the hearing was pending, claimant received disability allowance on her Social Security disability application retroactive to August 1, 2007.
- (5) Claimant's authorized representative forwarded verification of claimant's approval to the presiding Administrative Law Judge on March 4, 2009.
- (6) Claimant's alleged impairments at her MA/retro-MA/SDA hearing were identical to those reviewed by the Social Security Administration (SSA).

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 SSA's determination of disability onset is binding for MA eligibility purposes. The identical standard is applied in SDA cases. In the present case, evidence of the favorable SSA decision establishes claimant met the federal disability standard necessary to qualify for MA/retro-MA/SDA pursuant to PEM Items 150 and 260. Consequently, the department must reverse its 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 Ordered that:

- (1) The department shall approve MA/retro-MA/SDA benefits for claimant if she is otherwise eligible to receive them (meets all the other required criteria).
- (2) Departmental review of claimant's medical condition is not necessary as long as the SSA approval continues.

/s/ _____
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

cc:

