

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: 2009-13133
Issue No: 2009; 4031
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
May 7, 2009
Eaton 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 scheduled for May 7, 2009. Prior to the hearing claimant's caseworker notified this Administrative Law Judge that the claimant has been approved for Social Security disability benefits, and that he would not appear for the hearing.

ISSUE

Did the department properly deny claimant's Medicaid (MA), retroactive MA and State Disability Assistance (SDA) application, finding he 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, retroactive MA, and SDA on December 8, 2008.

2. On January 2, 2009, department's Medical Review Team determined that the claimant was not disabled for SDA eligibility purposes.

3. On January 7, 2009, department sent the claimant an Application Eligibility Notice denying his MA and SDA application.

4. Claimant requested a hearing on January 12, 2009.

5. On March 2, 2009, department's State Hearing Review Team (SHRT) also determined that the claimant was not disabled, as he was capable of performing other work.

6. On May 5, 2009, claimant's caseworker advised that the claimant has been approved for Social Security disability benefits with a December 15, 2006, disability onset date. This information was verified through the SOLQ report data printout from SSA showing that the claimant will be receiving \$938 per month in RSDI.

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 established for MA and SDA 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 and SDA pursuant to PEM 260 and 261.

The SSA determined claimant has been disabled since December, 2006. Consequently, the department must reverse its MA and SDA denial, and process claimant's disputed application in accordance with department 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. Department shall:

1. Process claimant's disputed MA application and award him any MA benefits he is entitled to receive including any retroactive MA coverage, based on December 8, 2008, application.
2. Process claimant's disputed SDA application and issue him any benefits he was entitled to but did not receive, based on December 8, 2008, application date, if he is otherwise eligible to receive them (i.e. meets all of the other required eligibility criteria including completion of a repayment agreement for SDA benefits from any SSA benefits he is approved for the same period of time).
3. Consider any retroactive SSA benefits claimant may have received for the same period of time of the SDA application, to avoid duplicative issuance of benefits, as the claimant would not be eligible for SDA benefits during the period of time covered by SSA benefits.
4. Notify the claimant of this determination in writing.

SO ORDERED.

/s/

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

Date Signed: June 29, 2009

Date Mailed: July 1, 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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