

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: 2009-16484
Issue No: 2009/4031
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
May 27, 2009
Kalamazoo 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, a telephone hearing was held on May 27, 2009. Claimant personally appeared and testified.

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 July 18, 2008, claimant applied for MA/SDA.
- (2) The department's State Hearing Review Team (SHRT) issued a prehearing denial on April 15 2009; consequently, claimant's case proceeded to hearing on May 27, 2009, in response to her timely request for hearing (Department Exhibit #2).

(3) While claimant's hearing appeal was pending, the local office provided this Administrative Law Judge with SOLQ verification that the Social Security Administration (SSA) approved disability status for claimant with disability onset established as of April 1, 2006.

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, the Social Security Administration's (SSA's) disability allowance, received while claimant's appeal was pending, currently establishes claimant is disabled and has been disabled at all times relevant to her July 18, 2008 MA/SDA application. BAM Item 115 specifies three months retro-MA coverage is also available under these circumstances. As such, the department's initial, erroneous MA/SDA application denial cannot be upheld.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides the department, through SHRT, erred in determining claimant's disability status.

Accordingly, the department's SHRT decision is REVERSED, and this case is returned to the local office for application reinstatement and reprocessing with all benefits awarded as long as claimant is found to have met all of the other financial and non-financial requirements necessary to receive them during the disputed period. A medical review of claimant's condition is not necessary in lieu of the SSA disability allowance. **SO ORDERED.**

/s/

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

Date Signed: June 10, 2010

Date Mailed: June 10, 2010

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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