STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF: ▮▮▮▮▮▮▮,

        Claimant

Reg. No.   2009-19477
Issue No.   2009, 4031
Case No: ▮▮▮▮
Load No.   ▮▮▮▮
Hearing Date:
June 24, 2009
DHS County: Wayne

ADMINISTRATIVE LAW JUDGE: Jeanne M. VanderHeide

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon the Claimant's request for hearing. After due notice, a hearing was held on June 24, 2009. On the hearing date, the Claimant was present and available to testify. Benita Warren, MCW appeared on behalf of the Department.

ISSUE

Whether the Department properly determined that the Claimant was not disabled for purposes of Medical Assistance ("MA") program and State Disability ("SDA") programs.

FINDINGS OF FACT

The Administrative Law Judge, based on the competent, material and substantial evidence on the whole record, finds as material fact:

1. Claimant filed for Medical Assistance and State Disability Assistance October 10, 2008.

2. The Medical Review Team denied Claimant's MA and SDA application on February 2, 2009.

3. Claimant filed a hearing request on March 17, 2009.

4. Subsequent to the hearing request, the Social Security Administration determined that the Claimant met the disability criteria for the RSDI program effective July, 2007. Claimant's onset date was 1/20/07.

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 400.1 *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).

Because of the Social Security Administration determination, it is not necessary for the Administrative Law Judge to discuss the issue of disability. PEM 260. Once the Claimant is certified by the SSA as unable to work due to mental or physical disability (for at least 90 days from the onset of the disability), the Department is instructed to process a previously denied application as if it is a pending application when the reason for denial was that the MRT determined the client was **not** disabled or blind. Id. In this case, the SSA decision was not appealed thus became final and binding on the Claimant's MA and SDA cases. Ultimately, the Department did not establish that it acted in accordance with department policy when it denied the Claimant MA and SDA coverage. The negative action notice is REVERSED.

DECISION AND ORDER

The Administrative Law Judge, based upon the findings of fact and conclusions of law, finds that there was insufficient evidence presented to affirm the Department's actions.

Accordingly, it is ORDERED that:

1. The Claimant meets the definition of disabled under the Medical Assistance Program as of the application day of October 8, 2008 including any retro benefits requested.

      2.   The Department shall open an ongoing Medical Assistance case for the Claimant effective the month of the RSDI entitlement or July 2010.

/s/_____
Jeanne M. VanderHeide
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 07/01/09

Date Mailed: 07/02/09

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.

JV/dj

cc: