

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: 2009-22830
Issue No: 2009, 4031
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
August 12, 2009
Genesee 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 held on August 12, 2009. Claimant personally appeared and testified. Also appearing on claimant's behalf was his [REDACTED].

ISSUE

Did the department properly deny claimant's September 23, 2008 Medicaid (MA), and also properly determine that he was no longer eligible for State Disability Assistance (SDA), 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, retro MA and SDA on September 23, 2008.

2. On October 14, 2008 department's Medical Review Team (MRT) determined that the claimant was not disabled for MA and retro MA eligibility purposes, but approved his SDA application with a review date of February, 2009.

3. On March 16, 2009 department' State Hearing Review Team (SHRT) also denied claimant's MA and retro MA application stating his condition lacks duration per 20 CFR 416.909.

4. On March 17, 2009 MRT determined that the claimant was no longer eligible for SDA. Department notified the claimant of this decision on April 1, 2009 and he requested a hearing on April 7, 2009. Claimant's SDA benefits continued pending the outcome of this hearing.

5. On June 8, 2009 SHRT denied claimant's SDA citing insufficient evidence and requested additional medical information.

6. Department agreed at the hearing to obtain and provide this information to the Administrative Law Judge. However, no further information was provided by the department about claimant's case until a contact was made by the Administrative Law Judge on April 27, 2010 to inquire about the status of medical information.

7. Department responded that the claimant has been approved for SSI, and then provided SOLQ report showing that the claimant had indeed been approved SSI with disability onset date of July 31, 2008.

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 Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) 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 Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) 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 July 31, 2008. Consequently, the department must reverse its MA denial and SDA termination, 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 and retro MA application and issue him any benefits he was entitled to but did not receive, based on September 23, 2008 application date.
2. As the claimant's SDA benefits continued during the pendency of the hearing decision, there appears to be no need of further action on such past benefits by the department, and no such action is directed in this decision.

3. 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: April 29, 2010

Date Mailed: April 29, 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 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.

IR/tg

cc:

