

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:



Reg No. 200922985
Issue No. 2009/4031
Case No. [REDACTED]
Hearing Date: July 30, 2009
Mason 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 the claimant's request for a hearing. After due notice, a telephone hearing was held on July 30, 2009. Claimant personally appeared and testified.

ISSUE

Did the department properly deny claimant's Medicaid (MA) and State Disability Assistance (SDA) application based on a 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. On January 6, 2009, claimant applied for MA/SDA.
2. When the department denied that application claimant requested a hearing by written notice dated March 17, 2009.
3. Claimant's hearing was held by telephone conference on July 30, 2009.

4. While her appeal was pending, claimant was determined disabled by the Social Security Administration (SSA), with onset established as of December 27, 2007, per a computerized cross-check (SOLQ) received by the presiding Administrative Law Judge on March 9, 2011.

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/SDA eligibility purposes. In the present case, evidence of the favorable SSA decision conclusively establishes claimant meets the federal standard necessary to qualify for MA/SDA pursuant to BEM Items 150 and 260.

The SOLQ shows claimant was determined retroactively disabled beginning December 2007, more than a year before her disputed MA/SDA application was filed. Consequently, the department must reverse its erroneous denial and process claimant's disputed application in accordance with departmental policy, if said action has not already been taken.

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 was not disabled at all times relevant to her January 6, 2009 MA/SDA application.

Accordingly, the department's decision is REVERSED, and it is Ordered that:

The department shall retroactively approve MA/SDA benefits for claimant as long as she was otherwise eligible to receive them.

Departmental review of claimant's medical condition is not necessary as long as SSA disability status continues.

/s/

Marlene B. Magyar
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: March 16, 2011

Date Mailed: March 16, 2011

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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:

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