

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: 2009-25379
Issue No: 2009
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
August 11, 2009
Genesee 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, an in-person hearing was held on August 11, 2009. Claimant personally appeared and testified. He was assisted by [REDACTED]

ISSUE

Did the department properly determine claimant's disability status for Medicaid (MA)/retro-MA 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) Claimant is a 45 year old male who applied for MA/retro-MA on October 2, 2008.

(2) Additionally, claimant applied for a Social Security Administration (SSA) disability allowance that same month and he alleged impairments identical to those alleged on his MA/retro-MA application.

(3) When the department denied claimant's MA/retro-MA application he requested a hearing, held in the [REDACTED] on August 11, 2009.

(4) While this appeal was pending, claimant's authorized representative informed the department that the SSA had issued a favorable disability allowance and determined claimant's disability onset date to be October 1, 2006 (two years before the filing of the MA/retro-MA application being disputed in this case).

(5) These favorable SSA findings were verified through a computerized cross-check using the SSA's SOLQ report, received by this Administrative Law Judge on August 16, 2010.

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).

In Michigan, the SSA's determination of disability onset is binding for MA eligibility purposes. In the present case, evidence of the favorable SSA decision conclusively establishes claimant meets the federal disability standard necessary to qualify for MA/retro-MA pursuant to BEM Items 150 and 260.

Claimant has shown he was determined disabled as of October 2006, two years before his disputed application was filed. Consequently, the department must reverse its erroneous denial and process claimant's disputed application in accordance with departmental policy.

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 his disputed application.

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

(1) The department shall approve MA/retro-MA benefits for claimant as long as he is otherwise eligible to receive them.

(2) 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 Ismael Ahmed, Director
Department of Human Services

Date Signed: August 24, 2010

Date Mailed: August 25, 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.

2009-25379/mbm

MBM/db

cc:

