

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: 2009-25597

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 is not disabled by Medicaid (MA)/retro-MA eligibility standards?

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 57-year-old male [REDACTED] 53) who applied for disability-based MA/retro-MA on January 9, 2009.

(2) When the department denied that application claimant requested a hearing.

(3) Claimant's hearing was held on August 11, 2009, at which time, he also had a Social Security Administration (SSA) disability appeal pending.

(4) Claimant alleged impairments on his disputed MA/retro-MA application identical to those the SSA was reviewing.

(5) While claimant's MA/retro-MA appeal was pending the SSA issued a fully favorable disability allowance to claimant with his disability onset established as of October 15, 2006, per a computerized cross-check (SOLQ) received by the presiding Administrative Law Judge on August 31, 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 pursuant to BEM Items 150 and 260.

Claimant's SSA disability allowance establishes he was determined disabled as of October 15, 2006, several years before his disputed MA/retro-MA 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 is not disabled.

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

(1) The department shall approve MA/retro-MA benefits for claimant in conjunction with his January 9, 2009 MA/retro-MA application, as long as claimant is otherwise eligible to receive them.

(2) Departmental review of claimant's condition is not necessary as long as his SSA disability status continues.

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

Date Signed: September 2, 2010

Date Mailed: September 3, 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.

2009-25597/mbm

MBM/db

cc:

