## STATE OF MICHIGAN STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

# ADMINISTRATIVE HEARINGS FOR THE DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

Claimant

200926564 2009, 4031

Issue No: Case No:

Reg. No:

Load No:

Hearing Date: August 27, 2009

Shiawassee County DHS

ADMINISTRATIVE LAW JUDGE: Gary F. Heisler

#### 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 27, 2009. Claimant personally appeared and testified.

#### <u>ISSUES</u>

Did the Department of Human Services properly determine that Claimant is not disabled and deny Claimant's application for Medical Assistance (MA) based on disability?

Did the Department of Human Services properly determine that Claimant is not disabled and deny Claimant's application for State Disability Assistance (SDA)?

## FINDINGS OF FACT

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

On February 19, 2009, Claimant submitted an application for Medical Assistance
(MA) and State Disability Assistance (SDA).

- 2. On March 20, 2009, the Department's Medical Review Team determined that the claimant was not disabled for MA and SDA eligibility purposes.
- 3. On March 25, 2009, the Department sent claimant an Application Eligibility Notice denying her MA and SDA application.
  - 4. On May 15, 2009, Claimant submitted a request for hearing.
- 5. On July 1, 2009, the State Hearing Review Team (SHRT) determined additional medical evidence was necessary to decide claimant's case.
- 6. On June 25, 2010, the Department advised that the claimant was approved for Social Security disability benefits with a disability onset date of November 15, 2006, and his disputed application has already been processed based on the SSA approval.

#### 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).

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According to federal regulations at 42 CFR 435.541 the Social Security Administration

(SSA) determination of disability is final and binding on DHS. 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 well before this disputed

application. Consequently, the department has already processed 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.

It is ORDERED that the actions of the Department of Human Services, in this matter, are

REVERSED.

/s/ \_\_\_\_

Gary F. Heisler Administrative Law Judge for Ismael Ahmed, Director Department of Human Services

Date Signed: August 11, 2010

Date Mailed: August 12, 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 o rder a rehe aring or re consideration on the Departm ent's motion where the final decision cannot be implem ented within 90 days of the filing of the original request.

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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 tim ely request for rehearing was made, within 30 days of the receipt date of the rehearing decision.

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