

STATE OF MICHIGAN

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

IN THE MATTER OF:

[REDACTED]

Reg No. 200930590  
Issue No. 2009  
Case No. [REDACTED]  
Load No. [REDACTED]  
Hearing Date: September 9, 2009  
Ingham 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, an in-person hearing was held on September 9, 2009. Claimant personally appeared and testified. He was represented by [REDACTED]

**ISSUE**

Did the department properly deny claimant's December 23, 2008 Medicaid (MA)/retro-MA application based on a 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. On December 23, 2008, claimant applied for MA/retro-MA.
2. When the department denied that application claimant's authorized representative requested a hearing by written notice dated June 22, 2009.

3. Claimant's hearing was held in the [REDACTED] [REDACTED] on September 9, 2009.
4. While his appeal was pending, claimant's authorized representative [REDACTED] provided proof claimant was determined disabled by the Social Security Administration (SSA), with disability onset established as of September 26, 2008 (Fully Favorable Decision, pgs 1-10).

### **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's authorized representative has shown claimant was determined disabled as of September 26, 2008, three months 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 under his December 23, 2008 MA/retro-MA application, as long as claimant is otherwise eligible to receive them.

- 2. Departmental review of claimant’s medical condition is not necessary as long as his SSA disability status continues.

/s/

Marlene B. Magyar  
Administrative Law Judge  
for Duane Berger, Acting Director  
Department of Human Services

Date Signed: January 24, 2011

Date Mailed: January 24, 2011

**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:

