

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: 200932673

Issue No: 2009

[REDACTED]

Hearing Date:

October 20, 2009

Kalamazoo 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, a telephone hearing was held on October 20, 2009. Claimant personally appeared and testified.

**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 37-year-old female who applied for MA/retro-MA on April 13, 2009.
2. When the department denied that application claimant requested a hearing.
3. Claimant's hearing was held on October 20, 2009, at which time she also had a Social Security Administration (SSA) disability appeal pending.

4. Claimant alleged impairments on her disputed MA/SDA application identical to those the SSA was reviewing.
5. While claimant's MA/SDA appeal was pending, the SSA issued a fully favorable disability allowance to claimant, with her disability onset established as of February 17, 2009, per a computerized cross-check (SOLQ) received by the presiding Administrative Law Judge on September 14, 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's SSA disability allowance establishes she was determined disabled as of February 17, 2009. Consequently, the department must reverse its erroneous denial and effectuate coverage in accordance with the department's rules.

### **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 process claimant's April 13, 2009 MA/retro-MA application and shall approve benefits for claimant pursuant to the SSA's disability allowance, as long as she is otherwise eligible to receive them.

