

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: 2009-11127
Issue No: 2009
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
March 3, 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 March 3, 2009. Claimant personally appeared and testified. She was assisted by

[REDACTED]

ISSUE

Did the department properly deny claimant's Medicaid (MA) application based on a finding she 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 April 24, 2008, claimant applied for MA.
- (2) When the department denied that application, claimant's authorized representative requested a hearing by written notice dated December 5, 2008.

(3) Claimant's hearing was held on March 3, 2009.

(4) While her appeal was pending, claimant's authorized representative [REDACTED] [REDACTED] provided proof claimant was determined disabled by the Social Security Administration (SSA), with onset established as of July 26, 2008 (See SSA Notice of Decision dated August 14, 2009).

(5) The federal Administrative Law Judge's decision specifically states:

Based upon the testimony of the vocational expert, I conclude that prior to July 26, 2008, the claimant was capable of making a successful adjustment to work that existed in significant numbers in the national economy. A finding of "not disabled" is therefore appropriate under the framework of the above-cited rule (Notice of Decision, pg 11).

(6) In conclusion this decision states:

Based upon the application for supplemental security income protectively filed on August 7, 2006, the claimant has been disabled under section 1614(a)(3)(A) of the Social Security Act beginning on July 26, 2008 (Notice of Decision, pg 12).

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. The same standard is applied in SDA cases. In the present case, evidence of the partially favorable SSA decision conclusively establishes claimant met the federal disability

standard necessary to qualify for MA as of July 2008, but **not earlier**. Consequently, the department must reverse its erroneous denial of MA benefits based on lack of disability from that month forward.

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 starting in July 2008 forward.

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

- (1) The department shall approve MA benefits for claimant effective July 2008 (but not earlier) if she is otherwise eligible to receive them.
- (2) Departmental review of claimant's medical condition is not necessary as long as her SSA disability status continues.

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

Date Signed: October 8, 2009

Date Mailed: October 9, 2009

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:

