

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: 2009-11966

Issue No: 2009; 4031

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

May 5, 2009

St. Joseph County DHS

ADMINISTRATIVE LAW JUDGE: Ivona Rairigh

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 May 5, 2009. Claimant personally appeared and testified along with her mother.

ISSUE

Did the department properly determine that the claimant was no longer eligible for Medicaid (MA-P) and 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:

1. Claimant was previously approved and receiving MA and SDA when her benefits came due for review in November, 2008.
2. On December 17, 2008, department's Medical Review Team determined that the claimant was no longer disabled for MA and SDA eligibility purposes.

3. On December 26, 2008, department sent the claimant a notice telling her that she was no longer eligible for MA and SDA, and that her benefits will terminate on January 7, 2009.

4. Claimant requested a hearing on December 29, 2008, and department deleted pending negative actions pending the outcome of the hearing.

5. On February 17, 2009, department's State Hearing Review Team (SHRT) also determined that the claimant was not disabled due to insufficient medical information. SHRT recommended that the department obtain additional medical exam.

6. Claimant cited additional medical information she wished to submit at the hearing. Record was extended to obtain additional medical information, including SHRT recommended exam.

7. On May 22, 2009, department advised the Administrative Law Judge that the claimant has been approved for Social Security disability with disability onset date being November, 2006. A letter from SSA showing SSI approval was provided by the department.

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).

In Michigan, the SSA's determination of disability onset is established for MA and SDA eligibility purposes. 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 November, 2006. Consequently, the department must reverse its denial of ongoing MA and SDA benefit receipt, and process 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 was no longer disabled.

Accordingly, department's action is REVERSED. Department shall:

1. Process claimant's disputed MA and SDA review application and insure that the claimant's MA coverage continues without interruption.
2. Consider claimant's SSI benefits when computing her continuing eligibility for SDA, as such benefits will most likely result in excess income for this program.
3. Notify the claimant of this determination in writing.

SO ORDERED.

/s/ _____
Ivona Rairigh
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: June 1, 2009

Date Mailed: June 2, 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 mailing 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.

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