

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: 2009-2052
Issue No: 2009; 4031
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
March 11, 2009
Iosco 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 March 11, 2009. Claimant personally appeared and testified.

ISSUE

Did the Department of Human Services properly determine that Claimant no longer met the disability standard for Medical Assistance based on disability (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. On February 13, 2008, the Department of Human Services Medical Review Team determined that Claimant is disabled in accordance with the standards for Medical Assistance (MA) or State Disability Assistance (SDA).

2. On September 22, 2008, the Department Medical Review Team reviewed Claimant's case and determined he/she was not disabled for purposes of Medical Assistance (MA) based on disability or State Disability Assistance (SDA).
3. On September 26, 2008, the Department sent the claimant a Notice of Case Action (DHS-1605) stating she was no longer disabled.
4. Claimant requested a hearing on October 2, 2008.
5. On October 28, 2008, the Department's State Hearing Review Team (SHRT) also determined that the claimant was not disabled.
6. On July 15, 2009 the Social Security Administration approved Claimant for Social Security disability benefits beginning February 1, 2008, with a disability onset date of August 13, 2007.

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).

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 August 13, 2007. Consequently, the department must reverse its termination of Claimant's disabled status.

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: March 1, 2010

Date Mailed: March 10, 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 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.

GFH [REDACTED]

cc:

[REDACTED]