

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: 2009-21531
Issue No: 2009/4031
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
August 18, 2009
Shiawassee 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 August 18, 2009. Claimant personally appeared and testified. He was assisted by

[REDACTED].

ISSUE

Did the department properly deny claimant's January 28, 2008 Medicaid (MA), retro-MA and State Disability Assistance (SDA) application based on a finding that 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 January 28, 2008, claimant's authorized representative filed an MA/retro-MA/SDA application on claimant's behalf.

(2) The department testified that application was denied; however, proof the written denial notice was sent to claimant's authorized representative was not produced and the authorized representative credibly testified they did not receive a denial notice for that application.

(3) Subsequently, claimant's authorized representative reapplied; that application was also denied.

(4) These denials were protested by timely hearing requests; claimant's hearing was held on August 18, 2009.

(5) At hearing, claimant's authorized representative requested (and was granted) an extension of the record to verify the Social Security Administration (SSA) had deemed claimant disabled under their governing regulations.

(6) Claimant alleged impairments at his MA/retro-MA/SDA hearing identical to those reviewed by the SSA.

(7) On August 19, 2009 (one day post hearing), claimant's authorized representative submitted verification (Social Security Notice of Decision) stating that claimant was found disabled with onset established as of November 1, 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).

In Michigan, the SSA's determination of disability onset is binding for MA eligibility purposes. The same standard is applied to SDA cases. In the present case, evidence of the favorable SSA decision conclusively establishes that claimant meets the federal disability standard necessary to qualify for MA/retro-MA/SDA, pursuant to PEM Items 150 and 260.

Claimant has shown he was determined disabled as of November 2007. 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/SDA benefits for claimant , if he 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 Ismael Ahmed, Director
Department of Human Services

Date Signed: August 24, 2009

Date Mailed: August 25, 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

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