

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: 200922678

Issue No: 2009/4031

[REDACTED] [REDACTED]
Hearing Date:

July 28, 2009

Montcalm 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 July 28, 2009. Claimant and his brother personally appeared and testified.

ISSUE

Did the department properly determine claimant is not disabled by Medicaid (MA) and State Disability Assistance (SDA) 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 58-year-old male who applied for disability-based MA/SDA on January 5, 2009.
2. When the department denied that application claimant requested a hearing.
3. Claimant's hearing was held on July 28, 2009, at which time, he also had a Social Security Administration (SSA) disability application pending.
4. Claimant alleged impairments on his disputed MA/SDA application identical to those the SSA was reviewing.

5. While claimant's MA/SDA appeal was pending, the SSA issued a favorable disability allowance to claimant, with his disability onset established as of January 20, 2009, per a computerized cross-check (SOLQ) received by the presiding Administrative Law Judge on September 8, 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).

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 in SDA cases. In the present case, evidence of the favorable SSA decision conclusively establishes claimant meets the federal disability standard necessary to qualify for MA/SDA, pursuant to BEM Items 150 and 260.

Claimant's SSA disability allowance establishes he was determined disabled as of January 20, 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 he 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/SDA benefits for claimant pursuant to the SSA's disability allowance, as long as he is otherwise eligible to receive them.

2. Departmental review of claimant's condition is not necessary as long as SSA disability status continues.

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

Date Signed: September 9, 2010

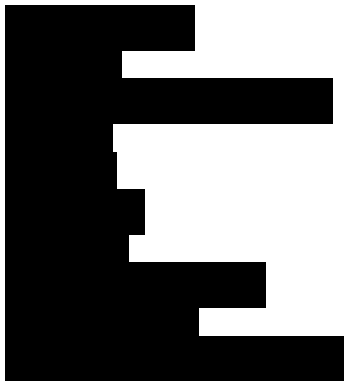
Date Mailed: September 10, 2010

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 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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