

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: 2009-24902

Issue No: 2009

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

September 3, 2009

Cheboygan County DHS

ADMINISTRATIVE LAW JUDGE: Robert J. Chavez

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 hearing was held on September 3, 2009.

ISSUE

Was the denial of claimant's application for MA-P and SDA for lack of disability correct?

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 applied for MA-P on 11-20-08.
- (2) On 4-4-09, the Medical Review Team denied MA-P, stating that claimant was capable of performing other work.

(3) On 4-27-09, claimant filed for hearing.

(4) On 6-17-09, the State Hearing Review Team denied MA-P, stating that they needed additional evidence in order to make a final determination.

(5) On 9-3-09, a hearing was held before the Administrative Law Judge. At that time, the claimant presented evidence that he had been approved for SSI disability benefits, in August, 2009.

(6) The Social Security Administration gave claimant a disability onset date of 4-13-09.

### 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).

Department policy at PEM 260 states that if a claimant has been found eligible for either SSI or RSDI based upon a finding of disability, the person meets the Department's MA disability criteria. No other evidence is required to establish disability. In the present case, the claimant was found by the Social Security Administration to be eligible for SSI benefits based upon disability, and has presented *prima facie* evidence of the same. This disability was found by the Social Security Administration to have an onset date of 4-13-09, however, which is after the application date. If disability is determined to have begun on a date after the initial application, the disability onset date is controlling, and the application should be processed as if the application was still pending. PEM 260. Therefore, the Administrative Law Judge finds that the claimant met the Department's definition of disabled for the purposes of MA-P as of 4-13-09.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the claimant is medically disabled for the purposes of the MA program. MA-P is approved, pending a review of all non-medical eligibility factors, for claimant's November 2008 application; disability is considered to have begun as of April 13, 2009, and disability is approved for that date onward.

Accordingly, the Department's decision in the above-stated matter is, hereby, REVERSED.

The Department is ORDERED to process claimant's application and initiate a review of all non-medical eligibility factors, if it has not already done so.

The Department is further ORDERED to initiate a full review of this case in September, 2010.

/s/  
\_\_\_\_\_  
Robert Chavez  
Administrative Law Judge  
for Ismael Ahmed, Director  
Department of Human Services

Date Signed: September 3, 2009

Date Mailed: September 8, 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.

2009-24902/RJC

RJC/cv

cc:

