

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:



Reg. No: 200931026

Issue No: 2009



Hearing Date:

September 1, 2009

Marquette 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 September 1, 2009. Claimant and his parents personally appeared and testified.

ISSUE

Did the department properly determine claimant is not disabled by Medicaid (MA) 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 30-year-old male who was receiving MA in Marquette County, Michigan, until his case was proposed for closure based upon a finding of improvement at review in June 2009.
2. Claimant promptly requested a hearing to dispute this proposed action.
3. Claimant's hearing was held on September 1, 2009, at which time, he also had a Social Security Administration (SSA) disability appeal pending.
4. Claimant alleged impairments on his disputed MA review application identical to those the SSA was reviewing.
5. While claimant's MA appeal was pending, the SSA issued a fully favorable disability allowance to claimant, with his disability onset

established as of April 30, 2008, per a computerized cross-check (SOLQ) received by this presiding Administrative Law Judge on September 14, 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).

In Michigan, the SSA's determination of disability onset is binding for MA eligibility purposes. In the present case, evidence of the favorable SSA decision conclusively establishes claimant meets the financial disability standard necessary to continue to qualify for MA pursuant to BEM Items 150 and 260.

Claimant's SSA disability allowance establishes he was determined disabled as of 2008. Consequently, the department must reverse the erroneous proposed 2009 MA case closure, and continue 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 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 continue MA coverage for claimant pursuant to the SSA's disability allowance, as long as he is otherwise eligible to receive said benefits.
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 16, 2010

Date Mailed: September 16, 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

cc:

