

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: 2009-33130
Issue No: 2009
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
November 25, 2009
Ingham 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 November 25, 2009. Claimant did not appear; however, she was represented by

[REDACTED]

ISSUE

Did the department properly deny claimant's Medicaid (MA)/retro-MA application based on a finding she 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 March 4, 2009, claimant's authorized representative applied for MA/retro-MA on her behalf.

(2) When the department denied that application claimant requested a hearing by written notice dated June 1, 2009.

(3) Claimant's hearing was held on November 25, 2009.

(4) At hearing, claimant's authorized representative presented evidence which establishes the Social Security Administration (SSA) found claimant met all of their rules necessary for disability-based Supplemental Security Income (SSI) effective February 12, 2009 (Client Exhibit A, pgs 1-15).

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 federal disability standard necessary to qualify for MA/retro-MA pursuant to BEM Items 150 and 260.

Claimant's authorized representative has shown she was determined disabled as of February 2009. Consequently, the department must reverse its erroneous denial and process claimant's disputed application because all of claimant's diagnosed impairments existed in identical degrees of severity during the retro months still currently in dispute (December 2008 and January/February 2009).

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 was not disabled.

Accordingly, the department's decision is REVERSED and it is Ordered that:

(1) The department shall approve MA/retro-MA benefits for claimant if she is otherwise eligible to receive them.

(2) Departmental review of claimant's medical 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: December 15, 2009

Date Mailed: December 16, 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

cc:

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