

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: 2009-33508
Issue No: 2009/4031
Case No: 101706251
Load No: 5600000000
Hearing Date:
October 7, 2009
Midland 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 October 7, 2009. Claimant personally appeared and testified. She was assisted by

[REDACTED]

ISSUE

Did the department properly determine claimant is not disabled by Medicaid (MA)/retro-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 45-year-old female [REDACTED] who applied for disability-based MA/retro-MA/SDA on January 23, 2009.

(2) When the department denied that application claimant requested a hearing.

(3) Claimant's hearing was on October 7, 2009, at which time, she also had a Social Security Administration (SSA) disability appeal pending.

(4) Claimant alleged impairments on her disputed MA/retro-MA/SDA application identical to those the SSA was reviewing.

(5) While claimant's MA/retro-MA/SDA appeal was pending the SSA issued a fully favorable disability allowance to claimant with her disability onset established as of September 10 2006, per a computerized cross-check (SOLQ) received by the presiding Administrative Law Judge on August 31, 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/retro-MA/SDA, pursuant to BEM Items 150 and 260.

Claimant's SSA disability allowance establishes she was determined disabled as of September 10, 2006, several years before her disputed MA/retro-MA/SDA application was filed. 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 Ordered that:

(1) The department shall approve MA/retro-MA/SDA benefits for claimant in conjunction with her January 23, 2009 application, as long as claimant is otherwise eligible to receive them.

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

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

Date Signed: September 2, 2010

Date Mailed: September 3, 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.

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cc:

