

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: 2009-35351
Issue No: 2009
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
November 12, 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 12, 2009. Claimant was represented by [REDACTED]

ISSUE

Did the department properly deny claimant's February 24, 2009 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 February 24, 2009, claimant applied for MA/retro-MA.

(2) On May 27, 2009, the department's Medical Review Team (MRT) issued a denial of that application; consequently, claimant filed a timely hearing request (Department Exhibit #1, pgs 1 and 2).

(3) Claimant's hearing was held on November 12, 2009, at which time, she was assisted by her authorized hearing representative, [REDACTED]; the record was extended for receipt of updated information upon this representative's request.

(4) While claimant's appeal was pending, specifically, on January 14, 2010, claimant's authorized hearing representative submitted a fully favorable Social Security Administration (SSA) disability decision which conclusively establishes claimant was determined disabled under their rules as of June 23, 2008.

(5) Claimant alleged impairments at her MA/retro-MA hearing identical to those reviewed by the SSA prior to issuing their disability allowance.

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 means claimant met the disability standard necessary to qualify for MA pursuant to PEM Items 150 and 260.

Claimant also is eligible for retro-MA to November 2008 under the department's rules. Consequently, the department must reverse its erroneous denial and process claimant's disputed MA/retro-MA 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 denying claimant's February 24, 2009 MA/retro-MA application.

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

(1) The department shall approve MA/retro-MA benefits for claimant, as long as she is otherwise eligible to receive them (meets all other required financial and non-financial criteria).

(2) Departmental review of claimant's medical condition is not necessary in lieu of the SSA approval.

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

Date Signed: February 10, 2010

Date Mailed: February 11, 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.

2009-35351/mbm

MBM/db

cc:

