

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: 2009-8065
Issue No: 2009; 4031
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
March 26, 2009
Wayne County DHS

ADMINISTRATIVE LAW JUDGE: Gary F. Heisler

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 March 26, 2009. Claimant personally appeared and testified.

ISSUES

- (1) Did the Department of Human Services properly determine that Claimant is not disabled and deny Claimant's application for Medical Assistance (MA) based on disability?
- (2) Did the Department of Human Services properly determine that Claimant is not disabled and deny Claimant's application for State Disability Assistance (SDA)?

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 October 13, 2008, Claimant submitted an application for Medical Assistance (MA) and State Disability Assistance (SDA).

2. On November 3, 2008, the department's Medical Review Team determined that the claimant was not disabled for MA and SDA eligibility purposes.

3. On November 13, 2008, the department sent the claimant an Application Eligibility Notice denying her MA and SDA application.

4. Claimant requested a hearing on November 15, 2008.

5. On January 7, 2009, the department's State Hearing Review Team (SHRT) determined that there was insufficient evidence to determine disability and deferred a decision until such time as a medical examination requested by the Social Security Administration and scheduled for 1/20/09, could be obtained.

6. On March 11, 2009, Claimant was approved for Social Security disability benefits.

7. At this hearing Claimant provided the medical examination and some information indicating she was approved for Social Security. This information was forwarded to SHRT for additional review.

8. On July 14, 2009, SHRT determined no medical review was necessary due to the Social Security Administration approval and approved MA-P and retroactive MA-P effective June 1, 2008.

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).

According to federal regulations at 42 CFR 435.541 the Social Security Administration (SSA) determination of disability is final and binding on DHS. In the present case, evidence of the favorable SSA decision established that the claimant met the federal disability standard necessary to qualify for MA and SDA pursuant to PEM 260 and 261.

The SSA determined claimant has been disabled since June 1, 2008. Consequently, the department must reverse its MA and SDA denial, and process claimant's disputed application in accordance with department policy.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department erred in determining claimant is not disabled.

It is ORDERED that the actions of the Department of Human Services, in this matter, are REVERSED.

It is further ORDERED that the Department shall:

1. Process claimant's disputed MA and SDA application and issue her any benefits she was entitled to but did not receive, based on October 13, 2008 application date, if she is otherwise eligible to receive them (i.e. meets all of the other required eligibility criteria including

completion of a repayment agreement for SDA benefits from any SSA benefits he is approved for the same period of time).

2. Consider any retroactive SSA benefits claimant may have received for the same period of time of the SDA application, to avoid duplicative issuance of benefits, as the claimant would not be eligible for SDA benefits during the period of time covered by SSA benefits.

/s/ _____
Gary F. Heisler
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: August 14, 2009

Date Mailed: August 18, 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.

GFH/ [REDACTED]

cc: [REDACTED]