

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: 2010-10578
Issue No: 2009/4031
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
February 2, 2010
Lake 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 February 2, 2010. Claimant and his mother personally appeared and testified.

ISSUE

Did the department properly determine claimant's disability status for Medicaid (MA) and State Disability Assistance (SDA) eligibility purposes?

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 June 15, 2009, claimant applied for MA/SDA.
- (2) The department's Medical Review Team (MRT) issued an initial denial on October 20, 2009, followed by a State Hearing Review Team (SHRT) denial issued on January 6, 2010.

(3) Claimant requested a hearing, held February 2, 2010.

(4) At the hearing, claimant submitted a Fully Favorable Decision from the Social Security Administration (SSA) which approves disability status and establishes disability onset as of January 25, 2007, significantly predating his MA/SDA application date (6/15/09)(Client Exhibit A, pgs 1-6).

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 the present case, the SSA's disability allowance currently establishes claimant is disabled and has been disabled at all times relevant to his June 15, 2009 MA/SDA application. Additionally, BAM Item 115 specifies three months retro-MA coverage also is available under these circumstances. As such, the department's denial of claimant's disputed MA/SDA application cannot be upheld.

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 when he filed his June 15, 2009 MA/SDA application.

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

(1) The department shall approve MA/retro-MA/SDA benefits for claimant, as long as he meets all of the other financial and non-financial requirements necessary to receive them.

(2) A review of claimant's medical condition is not necessary as long as his SSA disability allowance continues.

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

Date Signed: February 11, 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.

2010-10578/mbm

MBM/db

cc:

