

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: 2010-10906  
Issue No: 2009, 4031  
Case No: [REDACTED]  
Load No: [REDACTED]  
Hearing Date:  
January 20, 2010  
Saginaw County DHS

ADMINISTRATIVE LAW JUDGE: Ivona Rairigh

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 January 20, 2010. Claimant personally appeared and testified.

ISSUE

Did the department properly deny claimant's (insert date of application) Medicaid (MA) and State Disability Assistance (SDA) application, finding he 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. Claimant applied for MA and SDA on September 1, 2009.
2. On October 7, 2009 department's Medical Review Team determined that the claimant was not disabled for MA and SDA eligibility purposes.

3. On October 16, 2009 department sent the claimant an Application Eligibility Notice denying his MA and SDA application.

4. Claimant requested a hearing on October 8, 2009, apparently using a hearing request form from a notice sent to him on October 1, 2009, most likely pertaining to some other benefit administered by the department.

5. On (insert date) department's State Hearing Review Team (SHRT) also determined that the claimant was not disabled.

6. Claimant presented additional medical information following the hearing. This information was forwarded to SHRT for additional review. On April 1, 2010 SHRT once again determined that the claimant was not disabled, as he could perform light work.

7. The Administrative Law Judge obtained the Bridges SOLQ Data report from SSA on August 31, 2010, as the claimant testified in the hearing he had applied for Social Security disability and was appealing the initial denial. SOLQ report showed that the claimant has been approved for RSDI with date of initial entitlement being February 1, 2009, and disability onset date being August 7, 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 Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Program Reference Manual (RFT).

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 Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Program Reference Manual (RFT).

In Michigan, the SSA's determination of disability onset is established for MA and SDA eligibility purposes. 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 August 7, 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.

Accordingly, department's action is REVERSED. Department shall:

1. Process claimant's disputed MA and SDA application and issue him any benefits he was entitled to but did not receive, based on September 1, 2009 application date, if he is otherwise eligible to receive them (i.e. meets all of the other required eligibility criteria).
2. Notify the claimant of this determination in writing.
3. Medical review is not needed as long as the claimant remains an RSDI based on disability recipient.

SO ORDERED.

/S/  
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Ivona Rairigh  
Administrative Law Judge  
for Ismael Ahmed, Director  
Department of Human Services

Date Signed: August 31, 2010

Date Mailed: September 1, 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 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.

IR/tg

cc:

