STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

█████████

Reg. No: 201010923
Issue No: 2009

████ ████

Hearing Date:
February 3, 2010
Alger 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 February 3, 2010. Claimant personally appeared and testified.

ISSUE

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?

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 April 3, 2009, Claimant submitted an application for Medical Assistance (MA) based on disability.

2.   On June 29, 2009, the Department's Medical Review Team determined that the claimant was not disabled for MA eligibility purposes.

3.   On November 3, 2009, the Department sent claimant an Application Eligibility Notice denying her MA application.

4.   On November 17, 2009, Claimant submitted a request for hearing.

5.   On December 14, 2009, the State Hearing Review Team (SHRT) determined that the claimant was not disabled for MA eligibility purposes.

6. On October 14, 2010, the Department advised that the claimant was approved for Social Security disability benefits on June 3, 2010, with a disability onset date of November 21, 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).

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 pursuant to PEM 260 and 261.

The SSA determined claimant has been disabled since November 21, 2008. Consequently, the department must reverse its MA and SDA denial, and process claimant's disputed April 3, 2009 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 process claimant's disputed MA application dated April 3, 2009 and issue any benefits Claimant was entitled to but did not receive, if otherwise eligible to receive them (i.e. meets all of the other required eligibility criteria).

_____/s/_____

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

Date Signed:__10/25/2010_____

Date Mailed:__10/25/2010_____

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.