

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: 2010-13950
Issue No: 2009, 4031
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
February 17, 2010
Kent 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 February 17, 2010. Claimant personally appeared and testified. Also appearing and testifying on claimant's behalf was his [REDACTED]

ISSUE

Did the department properly deny claimant's October 12, 2009 Medicaid (MA), retroactive 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, retro MA and SDA on October 12, 2009.

2. On November 25, 2009 department's Medical Review Team determined that the claimant was not disabled for MA and SDA eligibility purposes.

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

4. Claimant requested a hearing on December 8, 2009.

5. On January 6, 2010 department's State Hearing Review Team (SHRT) also determined that the claimant was not disabled.

6. Claimant was to present additional medical information following the hearing and the record was left open for him to do so. However, on June 30, 2010 department advised that the claimant has been approved Social Security disability benefits and provided the approval letter dated April 22, 2010.

7. Social Security Administration (SSA) approval letter states that the claimant has been disabled since January 2, 2010, but prior to that date the medical evidence indicated he was recovering well from his aortic repair. SOLQ report from the department's Bridges system showed that the claimant's disability onset date is January 1, 2010.

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 January 1, 2010. Consequently, the department must reverse its MA and SDA denial, and process claimant's disputed application in accordance with department policy. Claimant however is not entitled to any MA and SDA benefits prior to January 1, 2010, as SSA determined that he was not disabled prior to that date.

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 October 12, 2009 application date, if he is otherwise eligible to receive them (i.e. meets all of the other required eligibility criteria).
2. Issue the claimant MA and SDA benefits, if otherwise eligible, effective January 1, 2010, the disability onset date established by SSA.
3. 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.

4. Notify the claimant of this determination in writing.

5. No medical review is necessary as long as the claimant continues to receive Social Security disability benefits.

SO ORDERED.

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

Date Signed: July 15, 2010

Date Mailed: July 19, 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

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