

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: 2010-14069
Issue No: 2009
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
February 17, 2010
St Clair 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 17, 2010. Claimant personally appeared and testified. He was assisted by

[REDACTED]

ISSUE

Did the department properly determine claimant's disability status for Medicaid (MA)/retro-MA 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) Claimant is a 51-year-old male with a limited education (9th grade) who applied for disability-based MA/retro-MA on July 9, 2009.

(2) When the department denied claimant's application his authorized representative filed a timely hearing request to dispute the issue, held February 17, 2010.

(3) At hearing, claimant alleged his physical inability to maintain substantial gainful employment was due to congenital left eye blindness combined with significant residuals from a remote, right hip fracture and severe primary asthma.

(4) Claimant alleged these identical impairments when he filed an application for Social Security Administration (SSA) disability benefits.

(5) While claimant's MA/retro-MA hearing was pending, his authorized representative submitted evidence to the presiding Administrative Law Judge establishing a SSA disability allowance had been granted.

(6) Specifically, on June 28, 2010, the presiding Administrative Law Judge received claimant's favorable Award Notice which establishes his disability onset date as June 17, 2009.

(7) Additionally, at claimant's MA/retro-MA hearing, his testimony revealed he was hospitalized in June 2009 and diagnosed with insulin-dependent diabetes not uncommon in medically obese patients like claimant who stands approximately 5'7" tall and weighs approximately 267 pounds (Client Exhibit A, pgs 1-3).

(8) Also, the pain from claimant's past right hip fracture is uncontrolled despite medication compliance, per his hearing testimony.

(9) Lastly, claimant's treating physician issued an opinion on a Medical Examination Report form (DHS-49) dated November 25, 2009, which limits claimant to less than a sedentary activity level due to his combined physical impairments, consistent with the SSA's disability allowance (See Finding of Fact #5 and #6 above).

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).

In Michigan, the SSA's determination of disability onset is binding for MA eligibility purposes. In the present case, evidence of the favorable SSA decision conclusively establishes claimant meets the federal disability standards necessary to qualify for MA/retro-MA pursuant to BEM Item 150 and 260.

Claimant has shown he was determined disabled as of June 2009. Consequently, the department must reverse its erroneous denial and process claimant's July 9, 2009 MA/retro-MA application in accordance with departmental policy.

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 disputed application.

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

(1) The department shall approve MA/retro-MA benefits for claimant, as long as he is otherwise eligible to receive them.

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

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

Date Signed: August 25, 2010

Date Mailed: August 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 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.

MBM/db

cc:

