

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: 2010-14301
Issue No: 2009
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
March 30, 2010
Ionia 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 March 30, 2010. Claimant and his sister personally appeared and testified.

Additionally, claimant was assisted by [REDACTED]

[REDACTED].

ISSUE

Did the department properly deny 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 applied for MA/retro-MA on August 14, 2009.

(2) When the department denied that application claimant promptly filed a hearing request, held in-person on March 30, 2010.

(3) While claimant's appeal was pending, the department notified the presiding Administrative Law Judge that claimant's Social Security Administration (SSA) disability status had been approved.

(4) This approval was verified by a computer cross-check with the SSA which verifies claimant's disability onset date as October 22, 2009.

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 the present case, the Social Security Administration's (SSA's) disability allowance, received while claimant's MA/retro-MA appeal was pending, conclusively establishes claimant is disabled and has been legally disabled since October 2009. As such, the department's finding to the contrary cannot be upheld.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides the department, through the local office, properly determined and verified claimant's current disability status.

Accordingly, the department's corrective action is AFFIRMED, and this case is returned to the local office to process claimant's disputed application with benefits awarded as long as he meets all the other financial and non-financial requirements necessary to receive them. Furthermore, a medical review of claimant's condition is not necessary as long as his SSA allowance continues. **SO ORDERED.**

/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:

