

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

IN THE MATTER OF:

[REDACTED]

Reg No. 201019057
Issue No. 2009
Case No. 1 [REDACTED]
Load No. [REDACTED]
Hearing Date: April 6, 2010
Genesee 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 the claimant's request for a hearing. After due notice, an in-person hearing was held on April 6, 2010. Claimant personally appeared and testified. He was represented by [REDACTED]

ISSUE

Did the department properly deny claimant's September 14, 2009 Medicaid (MA)/retro-MA application?

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 43-year-old high school graduate with one year of post-secondary education who applied for disability-based MA/retro-MA on September 14, 2009, based on residuals resulting from a right lower extremity gunshot wound which occurred during a home invasion on August 30, 2009 (Department Exhibit #1, pgs 107-130).
2. On December 31, 2009, claimant also applied for federal Social Security disability benefits based on an identical claim, as this is his sole impairment.

3. When the department denied claimant's MA/retro-MA application his authorized representative filed a hearing request, held in the local Department of Human Services office (DHS) on April 6, 2010.
4. While claimant's MA/retro-MA appeal was pending, specifically on July 8, 2010, the federal Social Security Administration Judge who heard his case issued an Unfavorable Decision denying disability status to claimant after hearing.
5. On December 29, 2010, this Administrative Law Judge obtained verification of the SSA's denial via a computer cross-check regarding the status of that case (SOLQ).

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).

Jurisdiction must be established for a contested case review of departmental actions before a decision on the merits of the case can be made. The applicable departmental policy states:

Final SSI Disability Determination

SSA's determination that disability or blindness does **not** exist for SSI purposes is **final** for MA if:

- . The determination was made after 1/1/90, **and**
- . No further appeals may be made at SSA, **or**
- . The client failed to file an appeal at any step within SSA's 60-day limit, **and**
- . The client is **not** claiming:
 - .. A totally different disabling condition than the condition SSA based its determination on, **or**
 - .. An additional impairment(s) or change or deterioration in his condition that SSA has **not** made a determination on.

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MBM/db

cc:

