

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: 2010-28627

Issue No: 2009/4031

Case No:

[REDACTED]

Load No:

Hearing Date:

April 29, 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 claimant's request for a hearing. After due notice, a telephone hearing was held on April 29, 2010. Claimant personally appeared and testified.

ISSUE

Did the department properly determine claimant's disability status for Medicaid (MA) and State Disability Assistance (SDA) 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) On September 11, 2009, claimant applied for MA/SDA.
- (2) The State Hearing Review Team (SHRT) issued a prehearing denial on claimant's application on April 13, 2010 (Department Exhibit #2).

(3) Claimant promptly requested a hearing, at which the presiding Administrative Law Judge extended the record at claimant's request for submission of her Fully Favorable Social Security disability application.

(4) While claimant's record was extended, the Social Security Administration (SSA) determined claimant was disabled under their rules, with onset established as of December 2009.

(5) The department provided this Administrative Law Judge with verification of the SSA's disability entitlement and eligibility begin date on June 3, 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 Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

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 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 appeal was pending, currently establishes claimant is disabled and has been disabled at all times relevant to her September 2009 MA/SDA application. This is because the department's policy specifies three months retro-MA coverage is available from the

application month under these circumstances. As such, the department's initial denial of claimant's disputed application cannot be upheld.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides the department erroneously denied claimant's disputed MA/SDA application based on additional evidence received after the hearing.

Accordingly, the department's application denial is REVERSED, and this case is returned to the local office for application reinstatement and reprocessing with benefits awarded as long as claimant meets all of the other financial and non-financial requirements necessary to receive them. A medical review of claimant's condition is not necessary in lieu of the SSA allowance.

SO ORDERED.

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

Date Signed: June 10, 2010

Date Mailed: June 11, 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.

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MBM/db

cc:

