

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

IN THE MATTER OF:

[REDACTED]
[REDACTED]
[REDACTED]

Reg. No: 2010-33440
Issue No: 2009, 4031
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
June 17, 2010
Saginaw 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 June 17, 2010. Claimant personally appeared and testified.

ISSUE

Did the department properly determine that the claimant was no longer disabled 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. Claimant was previously found eligible for MA and SDA with a review date due in January, 2010.
2. On April 7, 2010 department's Medical Review Team determined that the claimant was no longer disabled for MA and SDA eligibility purposes.
3. On April 13, 2010 department sent the claimant a notice terminating his MA and SDA benefits.
4. Claimant requested a hearing on April 19, 2010.

5. On May 26, 2010 department's State Hearing Review Team (SHRT) also determined that the claimant was not disabled due to lack of impairment duration per 20 CFR 416.909. SHRT also treated claimant's case as a new application and not a review.
6. Claimant testified at the hearing that he has new medical information, and also that he has had a Social Security Administration (SSA) hearing on May 17, 2010 and is waiting on this decision. Record was extended until September 17, 2010.
7. On December 17, 2010, having received no additional information from the department, the Administrative Law Judge obtained an SOLQ Data matching report from SSA. This report showed that the claimant has been approved for RSDI with date of current entitlement being April 1, 2009 and disability onset date being November 1, 2008.

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 BEM 260 and 261.

The SSA determined claimant has been disabled since November 1, 2008. Consequently, the department must reverse its MA and SDA proposed benefit termination, and process claimant's disputed case in accordance with department policy.

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. Review claimant's disputed MA and SDA case and taking into consideration financial and non-financial eligibility requirements determine continuing eligibility for these programs.
2. Notify the claimant of this determination in writing.
3. If claimant is found eligible, review claimant's case in January, 2012. Claimant would continue to meet disability criteria if he continues to receive RSDI.

SO ORDERED.

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

Date Signed: December 20, 2010

Date Mailed: December 20, 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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