

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: 2010-38372
Issue No: 2009, 4031
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
July 15, 2010
Livingston 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 July 15, 2010. Claimant personally appeared and testified. Also appearing and testifying on claimant's behalf was [REDACTED], Case Manager, Livingston County CMH.

ISSUE

Did the department properly deny claimant's (insert date of application) Medicaid (MA) and State Disability Assistance (SDA) application, finding he lacks a legally disabling condition?

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 and SDA on March 4, 2010.
2. On May 14, 2010 department's Medical Review Team determined that the claimant was not disabled for MA and SDA eligibility purposes.

3. On May 24, 2010 department sent the claimant an Application Eligibility Notice denying his MA and SDA application.

4. Claimant requested a hearing on June 7, 2010.

5. On June 21, 2010 department's State Hearing Review Team (SHRT) also determined that the claimant was not disabled.

6. Claimant presented additional medical information following the hearing. This information was forwarded to SHRT for additional review. On July 26, 2010 SHRT denied the claimant based on insufficient evidence and requested an independent physical consultative examination and a pulmonary function study be obtained.

7. Additional information was provided by the department, even though not exactly what SHRT asked for. This information was forwarded to SHRT.

8. On November 8, 2010 SHRT advised that the claimant has been approved for Social Security disability benefits on October 7, 2010. SHRT therefore approved MA and retro MA for the claimant effective December, 2009, and also approved SDA. SHRT indicated as claimant's medical review date November, 2013.

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 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 PEM 260 and 261. Consequently, the department must reverse its MA and SDA denial, and process claimant's disputed application 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. Process claimant's disputed MA, retro MA and SDA application and issue him any benefits he was entitled to but did not receive, based on March 4, 2010 application date, if he is otherwise eligible to receive them (i.e. meets all of the other required eligibility criteria).
2. Notify the claimant of this determination in writing.
3. Review claimant's case for continuing benefits in November, 2013, at which time prior medical packet; DHS-49-B, -F, -G; DHS-49-D, -E; all hospital and treating source notes and test results; and all consultive examinations, including those purchased by the SSA/Disability Determination Service, are to be obtained.

SO ORDERED.

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

Date Signed: November 12, 2010

Date Mailed: November 12, 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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