

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

IN THE MATTER OF THE CLAIM OF:

[REDACTED]
[REDACTED]
[REDACTED]

Reg. No.: 2010-40015
Issue No.: 2009; 4031
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: July 20, 2010
Bay 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 20, 2010. Claimant personally appeared and testified. Also appearing and testifying on claimant's behalf was her [REDACTED]

ISSUE

Did the department properly deny claimant's April 22, 2010 Medicaid (MA), retro MA and State Disability Assistance (SDA) application, finding she 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, retro MA and SDA on April 22, 2010.
2. On June 7, 2010 department's Medical Review Team determined that the claimant was not disabled for MA and SDA eligibility purposes.
3. On June 11, 2010 department sent the claimant an Application Eligibility Notice denying her MA and SDA application.

4. Claimant requested a hearing on June 17, 2010.
5. On July 7, 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 August 12, 2010 SHRT denied claimant's application citing insufficient evidence and requested additional SSA records from August and September, 2010 psychiatric and internal medicine examinations be obtained.
7. Additional medical information was obtained and forwarded to SHRT for review again. On October 13, 2010 SHRT advised that the claimant has been approved for SSI benefits as of April 5, 2010. SHRT therefore approved MA-P as of April, 2010, retro MA-P as of January, 2010, and SDA per BEM 261, per the Social Security allowance.

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. 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 her any benefits she was entitled to but did not receive, based on April 22, 2010 application date, if she is otherwise eligible to receive them (i.e. meets all of the other required eligibility criteria).
2. Grant the claimant retro MA, if found eligible, effective January 1, 2010.
3. Notify the claimant of this determination in writing.
4. Perform a medical review in November, 2011, at which time medical records from the last 12 months are to be obtained.

SO ORDERED.

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

Date Signed: October 25, 2010

Date Mailed: October 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 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.

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cc:

