#### STATE OF MICHIGAN

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

IN THE MATTER OF:



Reg No. 201041427 Issue No. 2009/4031 Case No.

Load No.

Hearing Date: October 28, 2010

Macomb 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, a telephone hearing was held on October 28, 2010. Claimant personally appeared and testified.

# <u>ISSUE</u>

Did the department properly deny claimant's Medicaid (MA) and State Disability Assistance (SDA) application based on a 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. On April 15, 2010, claimant applied for MA/SDA.
- 2. When the department denied that application claimant requested a hearing by written notice dated June 23, 2010.
- Claimant's hearing was held on October 28, 2010.
- While his appeal was pending, claimant was determined disabled by the Social Security Administration (SSA), with onset established as of May 7, 2010, per a <u>Fully Favorable Decision</u> issued on December 23, 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).

Claimant was determined disabled as of May 7, 2010. Consequently, the department must reverse its erroneous denial and process claimant's disputed application in accordance with departmental policy.

## **DECISION AND ORDER**

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides the department erred in determining claimant is not disabled.

Accordingly, the department's decision is REVERSED, and it is Ordered that:

- 1. The department shall approve MA/SDA benefits for claimant if he is otherwise eligible to receive them.
- 2. Departmental review of claimant's medical condition is not necessary as long as SSA disability status continues.

Marlene B. Magyar
Administrative Law Judge
for Duane Berger, Acting Director

Department of Human Services

Date Signed: \_January 6, 2011

Date Mailed: January 6, 2011

**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.

#### MBM/db

