

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

IN THE MATTER OF:

[REDACTED]

Reg No. 201054693
Issue No. 2009
Case No. [REDACTED]
Load No. [REDACTED]
Hearing Date: December 15, 2010
Ionia 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, an in-person hearing was held on December 15, 2010. Claimant personally appeared and testified. He was represented by [REDACTED]

ISSUE

Did the department properly deny claimant's Medicaid (MA)/retro-MA 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 February 11, 2010, claimant applied for MA/retro-MA.
2. When the department denied that application claimant's authorized representative requested a hearing by written notice dated September 13, 2010.
3. Claimant's hearing was held at the [REDACTED] Department of Human Services (DHS) office on December 15, 2010.
4. While his appeal was pending, claimant's authorized representative [REDACTED] provided proof claimant was determined disabled by the Social Security Administration (SSA), with onset established as of

July 6, 2009, by submitting claimant's Fully Favorable decision dated December 9, 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).

In Michigan, the SSA's determination of disability onset is binding for MA eligibility purposes. In the present case, evidence of the favorable SSA decision conclusively establishes claimant meets the federal disability standard necessary to qualify for MA/retro-MA pursuant to BEM Items 150 and 260.

Claimant's authorized representative has shown claimant was determined disabled as of July 2009, approximately seven months before his disputed MA/retro-MA application was filed on February 11, 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/retro-MA benefits for claimant as long as he is otherwise eligible to receive them.
2. Departmental review of claimant's medical condition is not necessary as long as his SSA disability status continues.

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

Date Signed: December 27, 2010
Date Mailed: December 27, 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.

MBM/db

cc:

