

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: 2010-1685
Issue No: 2009; 4031
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
November 17, 2009
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 scheduled for November 17, 2009. Prior to the commencement of the hearing information was provided by claimant's attorney [REDACTED] that the claimant has been found disabled by Social Security Administration.

ISSUE

Did the department properly deny claimant's (insert date of application) Medicaid (MA), retroactive 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, retro MA and SDA on March 4, 2009.

2. On June 12, 2009, department's Medical Review Team determined that the claimant was not disabled for MA and SDA eligibility purposes.

3. On June 23, 2009, department sent the claimant an Application Eligibility Notice denying her MA and SDA application.

4. Claimant requested a hearing on July 1, 2009.

5. On October 21, 2009, department's State Hearing Review Team also determined that the claimant was not disabled.

6. On November 17, 2009, claimant's attorney advised that the claimant has been approved for Social Security disability benefits by SSA Administrative Law Judge on July 28, 2009, with a December 6, 2007, disability onset date. A copy of the SSA Administrative Law Judge's decision was also provided for the hearing.

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).

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 PEM 260 and 261.

The SSA determined claimant has been disabled since December 6, 2007. 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 and SDA application and issue her any benefits she was entitled to but did not receive, based on March 4, 2009, application date, if she is otherwise eligible to receive them (i.e. meets all of the other required eligibility criteria including completion of a repayment agreement for SDA benefits from any SSA benefits she is approved for the same period of time).
2. Consider any retroactive SSA benefits claimant may have received for the same period of time of the SDA application, to avoid duplicative issuance of benefits, as the claimant would not be eligible for SDA benefits during the period of time covered by SSA benefits.
3. Notify the claimant of this determination in writing.

SO ORDERED.

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

Date Signed: December 1, 2009

Date Mailed: December 8, 2009

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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