

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: 2010-17116
Issue No: 2009, 4031
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
June 8, 2010
Muskegon 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 June 8, 2010. Claimant personally appeared and testified. Also appearing and testifying on claimant's behalf was [REDACTED].

ISSUE

Did the department properly determine that the claimant was no longer eligible for Medicaid (MA) and State Disability Assistance (SDA) benefits, finding he no longer has 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 was an MA and SDA recipient when his case came due for a review in May, 2009.

2. On October 16, 2009 department's Medical Review Team determined that the claimant was no longer disabled for MA and SDA eligibility purposes.

3. On October 21, 2009 department sent the claimant a notice telling him his MA and SDA benefits will terminate on November 3, 2009.

4. Claimant requested a hearing on January 14, 2009, after his MA and SDA benefits already closed.

5. On February 8, 2010 department's State Hearing Review Team (SHRT) also determined that the claimant was no disabled. SHRT cited a current Social Security Administration (SSA) Administrative Law Judge's ruling from August, 2009 that the claimant retains the ability to perform simple and repetitive tasks with no physical limitations. SHRT therefore concluded that the claimant's impairments have been significantly medically improved.

6. Claimant presented additional medical information following the hearing and also stated that he had filed a new application for Social Security disability. This information was forwarded to SHRT for additional review.

7. On June 16, 2010 SHRT advised that the claimant has been approved for Social Security disability and SSI benefits in May, 2010, and that he is therefore approved for MA and SDA with a medical review date of June, 2011.

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 PEM 260 and 261. Consequently, the department must reverse its MA and SDA November, 2009 benefit termination, and process claimant's disputed redetermination 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 was no longer disabled.

Accordingly, department's action is REVERSED. Department shall:

1. Process claimant's disputed MA and SDA redetermination application and issue him any benefits he was entitled to but did not receive, based on November 3, 2009 MA and SDA termination date.
2. Notify the claimant of this determination in writing.
3. At medical review in June, 2011, check if the claimant is in current payment status with SSA, per SHRT decision.

SO ORDERED.

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

Date Signed: June 21, 2010

Date Mailed: June 21, 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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