

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: 2010-1752
Issue No: 2009
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
December 8, 2009
Lenawee County DHS

ADMINISTRATIVE LAW JUDGE: Gary F. Heisler

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 December 8, 2009. Claimant personally appeared and testified.

ISSUE

Did the Department of Human Services properly determine that Claimant is not disabled and deny Claimant's application for Medical Assistance (MA) based on disability?

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 January 6, 2009, Claimant submitted an application for Medical Assistance (MA) based on disability.
2. On August 17, 2009, the Department's Medical Review Team determined that the claimant was not disabled for MA eligibility purposes.

3. On August 21, 2009, the Department sent the claimant an Application Eligibility Notice denying her MA application.

4. Claimant requested a hearing on August 26, 2009.

5. On October 16, 2009, the Department's State Hearing Review Team (SHRT) also determined that the evidence in the record was insufficient to determine disability.

6. At this hearing Claimant presented evidence that she has been approved for Social Security disability benefits on November 24, 2009, with an August 6, 2008 disability onset.

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).

According to federal regulations at 42 CFR 435.541 the Social Security Administration (SSA) determination of disability is final and binding on DHS. 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 August 6, 2008. Consequently, the department must reverse its MA 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.

It is ORDERED that the actions of the Department of Human Services, in this matter, are REVERSED.

It is further ORDERED that the Department shall process claimant's disputed MA application dated January 6, 2009. Issue any benefits she was entitled to but did not receive, based on the January 6, 2009 application date, if she is otherwise eligible to receive them (i.e. meets all of the other required eligibility criteria for the same period of time).

/s/

Gary F. Heisler
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: January 5, 2010

Date Mailed: January 6, 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.

GFH/om

cc:

[REDACTED]