

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

IN THE MATTER OF:

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

Reg. No: 2010-23357  
Issue No: 2009, 4031  
Case No: [REDACTED]  
Load No: [REDACTED]  
Hearing Date:  
April 22, 2010  
Bay 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 April 22, 2010. Claimant personally appeared and testified. Also appearing and testifying on claimant's behalf was his [REDACTED], [REDACTED].

**ISSUE**

Did the department properly deny claimant's October 15, 2009 Medicaid (MA), retro 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 October 15, 2009.
2. On February 8, 2010 department's Medical Review Team determined that the claimant was not disabled for MA and SDA eligibility purposes.
3. On February 8, 2010 department sent the claimant an Application Eligibility Notice denying his MA and SDA application.
4. Claimant requested a hearing on February 24, 2010.

5. On March 8, 2010 department's State Hearing Review Team (SHRT) also determined that the claimant was not disabled.
6. Claimant was to present additional medical evidence following the hearing and record was extended for him to do so. Claimant did not provide any additional medical information, but according to SOLQ Data from SSA computer report of December 20, 2010 has been approved for RSDI, with disability onset date of April 1, 2009.

### **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 BEM 260 and 261.

The SSA determined claimant has been disabled since April 1, 2009. 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, retro MA and SDA application and issue him any benefits he was entitled to but did not receive, based on October 15, 2009 application date, if he is otherwise eligible to receive them (i.e. meets all other financial and non-financial eligibility requirements).

2. Notify the claimant of this determination in writing.
3. Review claimant's ongoing eligibility in December, 2011. If the claimant continues to receive RSDI, no medical review is needed.

SO ORDERED.

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

Date Signed: December 22, 2010

Date Mailed: December 22, 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

cc:

