

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: 2010-26682

Issue No: 2009/4031

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

April 27, 2010

Bay 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 claimant's request for a hearing. After due notice, an in-person hearing was held on April 27, 2010. Claimant personally appeared and testified.

ISSUE

Did the department properly determine claimant's Medicaid (MA) and State Disability Assistance (SDA) eligibility status at review?

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 ongoing MA/SDA recipient until the department informed him of case closure based upon his alleged medical improvement by written notice dated December 29, 2009.

(2) Claimant requested an in-person hearing to dispute this closure and it was held on April 27, 2010.

(3) While claimant's appeal was pending, the Social Security Administration (SSA) determined claimant was disabled for Supplemental Security Income (SSI) purposes under their rules, with disability onset established as of October 2008.

(4) The department provided this Administrative Law Judge with verification of claimant's SSI approval and eligibility begin date via an email message dated July 29, 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).

The Adult Medical Program (AMP) is established by Title XXI of the Social Security Act; (1115) (a) (1) of the Social Security Act, and is administered by the Department of Human Services (DHS or department) pursuant to MCL 400.10, *et seq.* Department policies are contained in the Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

In the present case, Social Security Administration's (SSA's) disability allowance, received while claimant's appeal was pending, conclusively establishes claimant is disabled and has been disabled at all times relevant to the purposed MA/SDA case closure. As such, the

department's reversal of claimant's proposed case closure and subsequent benefit reinstatement was correct and it must be upheld.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides the department, through the local office, properly determined and verified claimant's current disability status.

Accordingly, the department's action is AFFIRMED and claimant's disputed case closure shall be deleted. Additionally, a medical review of claimant's condition is not necessary as long as his SSA allowance continues. **SO ORDERED.**

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

Date Signed: August 24, 2010

Date Mailed: August 25, 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.

2010-26682/mbm

MBM/db

cc:

