

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

IN THE MATTER OF:



Reg. No: 2010-36493
Issue No: 2009, 4031
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
June 24, 2010
Kent 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 June 24, 2010. Claimant personally appeared and testified.

ISSUES

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?

Did the Department of Human Services properly determine that Claimant is not disabled and deny Claimant's application for State Disability Assistance (SDA)?

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 December 23, 2009 Claimant submitted an application for Medical Assistance (MA) and State Disability Assistance (SDA).
2. On February 26, 2010 the Department's Medical Review Team determined that the claimant was not disabled for MA and SDA eligibility purposes.
3. On March 1, 2010 the Department sent claimant an Application Eligibility Notice denying her MA and SDA application.
4. On March 24, 2010 Claimant submitted a request for hearing.

5. On June 7, 2010 the State Hearing Review Team (SHRT) determined that the claimant was not disabled for MA and SDA eligibility purposes.
6. On August 3, 2010 additional medical information was forwarded to SHRT for additional review.
7. On August 10, 2010 the State Hearing Review Team (SHRT) determined that the claimant was not disabled for MA and SDA eligibility purposes.
8. On August 27, 2010 Claimant's attorney advised that the claimant was approved for Social Security disability benefits on August 20, 2010, with a disability onset date of July 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 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).

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 July 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.

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:

1. Process claimant's disputed MA and SDA application dated and issue any benefits Claimant was entitled to but did not receive, if 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 he 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.

/s/

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

Date Signed: September 10, 2010

Date Mailed: September 13, 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/alc

cc:

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