

STATE OF MICHIGAN  
MICHIGAN ADMINISTRATIVE HEARING SYSTEM  
ADMINISTRATIVE HEARINGS FOR THE  
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

[REDACTED]

Reg. No: 2011-26662

Issue No: 2009; 4031

[REDACTED]

Kent County DHS

**ADMINISTRATIVE LAW JUDGE:** Suzanne L. Morris

**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 30, 2011. The claimant personally appeared and provided testimony, along with, Charlotte Jamerson, his mother.

**ISSUE**

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

**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 is a [REDACTED] who filed a disability-based MA and SDA application on September 18, 2009.
2. On December 9, 2009, the Medical Review Team determined the claimant was not disabled, indicating the claimant refused treatment for correctable or treatable impairments.
3. On January 15, 2010, the department received claimant's timely written hearing request disputing this denial.
4. On June 30, 2011, the claimant participated in a telephone hearing.

5. At this hearing, the claimant produced a Social Security Administration (SSA) fully favorable decision dated June 21, 2011, that approved the claimant's SSI claim with an onset date of disability of April 8, 2002.

### **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 (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 Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Program Reference Manual (PRM).

In Michigan, the SSA's determination of disability onset is binding for MA eligibility purposes. In the present case, evidence of the favorable SSA decision conclusively establishes claimant meets the federal disability standard necessary to qualify for MA/retro MA and SDA pursuant to BEM 150, 260 and 261.

The SSA found an onset date of disability of April 8, 2002. BAM 115 provides that retro MA coverage is available back to the first day of the third calendar month prior to the SSI entitlement date, which covers the claimant's entire MA application period. Consequently, the department must reverse its erroneous 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 the department erred in determining claimant is not disabled.

Accordingly, the department's decision is REVERSED, and it is Ordered that:

1. The department shall approve MA/retro MA and SDA benefits for claimant under his September 18, 2009 application, as long as claimant is otherwise eligible to receive them.
2. Departmental review of claimant's medical condition is not necessary as long as his SSA disability status continues.

\_\_\_\_/s/\_\_\_\_\_  
Suzanne L. Morris  
Administrative Law Judge  
for Maura D. Corrigan, Director  
Department of Human Services

Date Signed: \_\_7/5/11\_\_\_\_\_

Date Mailed: \_\_7/5/11\_\_\_\_\_

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.

SLM/ds

■ [REDACTED]