

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

IN THE MATTER OF:



Reg. No: 2011-33461
Issue No: 2009
Case No: [REDACTED]
Hearing Date:
September 7, 2011
Jackson 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, an in-person hearing was held on September 7, 2011. The claimant was represented by [REDACTED]. The claimant appeared and provided testimony.

ISSUE

Did the Department of Human Services (the department) properly deny claimant's application for Medical Assistance (MA-P) and retro MA?

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 March 18, 2010, the claimant submitted an application for Medical Assistance (MA) and retro MA benefits alleging disability.
- (2) On October 8, 2010, claimant's representative filed an application for MA and retro MA benefits alleging disability.
- (3) When the department denied that application, claimant requested a hearing by written notice received by the department on February 15, 2011.
- (4) Claimant's hearing was held in-person on September 7, 2011.
- (5) While his appeal was pending, claimant's authorized representative, [REDACTED], provided proof claimant was determined disabled by the Social Security Administration (SSA), with disability onset established as of December 31, 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 (PRM).

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

Claimant's authorized representative has shown claimant was determined disabled as of December 31, 2009, which is prior to when his March 18, 2010 application was submitted. 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 that the department erred in determining claimant is not disabled.

Accordingly, the department's determination is REVERSED, and it is ORDERED that:

1. The department shall approve the MA/retro MA benefits for claimant under his March 18, 2010 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.

Suzanne

/s/

L. Morris

Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: October 13, 2011

Date Mailed: October 13, 2011

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.

SLM/ac

cc:

