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

IN THE MATTER OF:



Reg. No: 2011-33466

Issue No: 2009

Case No:

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 personally appeared and provided testimony.

<u>ISSUE</u>

Did the department proper ly determine claimant's dis ability status for Medicaid (MA) 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:

- Claimant is a 46-year-old female who filed a disab ility-based MA application on Augus t 3, 2010, requesting retro MA for May, June and July, 2010.
- 2. On January 28, 2011, the Medical Re view Team determined the claimant was not disabled.
- 3. On May 3, 2011, the depart ment re ceived claimant's timely written hearing request disputing this denial.
- 4. On September 7, 2011, claimant's in-person hearing was held.
- 5. At the hearing, the cl aimant and her representative provided information showing the claimant had been approved for Social Security Disability.

6. The depart ment printed the Social Sec urity report (SOLQ Report), showing the claimant was approved for RSDI benefits with an onset date of May 29, 2010.

CONCLUSIONS OF LAW

The Medical Assistance (MA) program is estab lished by Title XIX of the Social Sec urity Act and is implemented by Title 42 of the C ode 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 Administ rative Manual (PAM), the Program Eligibili ty Manual (PEM) and the Program Reference Manual (PRM).

In Michiga n, the SS A's d etermination of disa bility o nset is b inding for MA elig ibility purposes. In the present case, evidence of the favorable SSA decision conclus ively establishes claimant meets the federal disability standar d necessary to qualify for MA/retro MA pursuant to BEM 150, 260 and 261.

The SSA found an onset date of May 29, 2010, which covers the claimant's application and retro 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 conclusion sof 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 benefits for claimant under her August 3, 2010 application, as long as cl aimant is otherwise elig ible to receive them.

2. Departmental review of claimant 's medical condition is not necessary as long as her SSA disability status continues.

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

Date Signed: September 13, 2011

Date Mailed: September 14, 2011

NOTICE: Administrative Hearings may or der 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 Hear ings will not orde rarehearing 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/ac

CC:

