

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

IN THE MATTER OF:



Reg No. 201146649
Issue No. 2009, 4031
Case No. [REDACTED]
Hearing Date: November 9, 2011
Ingham County DHS

ADMINISTRATIVE LAW JUDGE: Christopher S. Saunders

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 November 9, 2011. Claimant personally appeared and provided testimony.

ISSUE

Did the department properly determine Claimant's disability status for Medicaid (MA)/retro-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. On May 12, 2011, Claimant applied for MA/Retro-MA and SDA.
2. On September 19, 2011, the department's State Hearing Review Team (SHRT) issued a prehearing denial of Claimant's application.
3. Claimant promptly requested a hearing, at which, the presiding Administrative Law Judge granted Claimant's request for a record extension to submit updated medical documentation.
4. Those documents were submitted to SHRT for a post-hearing review.
5. On January 23, 2012, SHRT reversed its earlier denial of Claimant's disputed MA/Retro-MA and SDA application based on a Fully Favorable Social Security Decision, and in turn approved the

Claimant's MA-P and retro MA-P application effective February 1, 2011.

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 Reference Tables Manual (RFT).

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 Mich Admin Code, Rules 400.3151-400.3180. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Reference Tables Manual (RFT).

In the present case, SHRT reversed its earlier finding of lack of disability based on the SSA's disability allowance, received while Claimant's appeal was pending, currently establishing Claimant is disabled and has been disabled at all times relevant to his MA/Retro-MA and SDA application.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides the department, through SHRT, properly determined Claimant's disability status upon consideration of the Fully Favorable Social Security Disability decision reviewed for the first time after the hearing.

Accordingly, the department's decision is **AFFIRMED**.

It is HEREBY ORDERED that the department shall approve MA/Retro-MA and SDA benefits effective February 1, 2011 for Claimant as long as he is otherwise eligible to receive them.

/S/
Christopher S. Saunders
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: January 27, 2012
Date Mailed: January 27, 2012

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.

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