

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

IN THE MATTER OF:

[REDACTED]

Reg. No: 2011-49259
Issue No: 2009

[REDACTED]

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 [REDACTED]. The claimant personally appeared and provided testimony. [REDACTED] provided testimony on behalf of the department.

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 [REDACTED], claimant filed an application for Medical Assistance (MA) and retro MA benefits alleging disability.
2. When the department denied that application on [REDACTED] claimant requested a hearing.
3. Claimant's hearing was held by telephone on [REDACTED]. The claimant requested the record be left open for the submission of new and additional medical documentation. On [REDACTED], the State Hearing Review Team again denied the claimant disability.
4. While her appeal was pending, claimant provided a copy of a fully favorable decision from the Social Security Administration (SSA) dated [REDACTED].

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 has shown claimant she was determined disabled as of March, 2010, which is prior to the time period covered by her application. 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 her [REDACTED] 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 her SSA disability status continues.

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

Date Signed: [REDACTED]

Date Mailed: [REDACTED]

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/jk

cc:



MAHS