

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

IN THE MATTER OF:

[REDACTED]

Reg. No: 201132855
Issue No: 2009, 4031
Case No: [REDACTED]
Hearing Date: December 21, 2011
Genesee 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 December 21, 2011. The claimant personally appeared and provided testimony.

ISSUE

Did the Department of Human Services (the department) properly deny claimant's application for Medical Assistance (MA), retroactive Medical Assistance, and State Disability Assistance (SDA) benefits?

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 55 year-old male who filed a disability-based MA, Retro MA, and SDA application on October 14, 2010.
2. On December 22, 2010, the Medical Review Team determined the claimant was not disabled.
3. On April 22, 2011, the department received claimant's timely written hearing request disputing this denial.
4. On December 21, 2011, the claimant's telephone hearing was held.
5. The Administrative Law Judge obtained a Social Security report (SOLQ Report), showing the claimant was approved for SSI benefits with an onset date of March 28, 2011 and an eligibility date of March 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 Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) 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 March 28, 2010, with an eligibility date of March 1, 2011. 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 retro MA application period. Therefore, the claimant would meet the disability standard as of March 1, 2011 and would in turn be eligible for retro-MA coverage back to December 1, 2010, as long as the claimant meets all other non-medical eligibility factors. Furthermore, the claimant would also meet the disability standard for SDA coverage as of March 1, 2011. 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**.

It is HEREBY Ordered that:

1. The department shall approve MA/retro MA benefits for claimant under his October 14, 2010 application as of March 1, 2011, with a retro MA coverage back to December 1, 2010 as long as the claimant is otherwise eligible to receive said benefits and meets all other eligibility factors.

2. The department shall approve SDA benefits for the claimant under his October 14, 2010 application as of March 1, 2011 as long as the claimant is otherwise eligible to receive them and meets all other eligibility factors.
3. Departmental review of claimant's medical condition is not necessary as long as his SSA disability status continues.

/s/_____

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

Date Signed: June 22, 2012

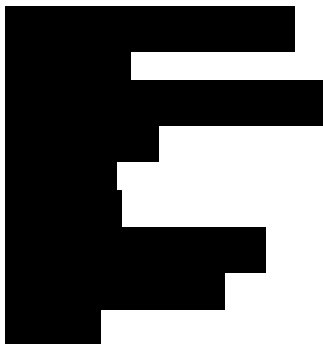
Date Mailed: June 22, 2012

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 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.

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