

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

IN THE MATTER OF:



Reg. No.: 2011-53458
Issue No.: 2009
Case No.: [REDACTED]
Hearing Date: February 16, 2012
County: DHS MA Special Processing

ADMINISTRATIVE LAW JUDGE: Vicki L. Armstrong

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 February 16, 2012. Claimant personally appeared and testified.

ISSUE

Did the department properly deny Claimant's Medicaid (MA) application based on a finding he lacks a legally disabling condition?

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 9, 2011, Claimant applied for MA.
2. When the department denied that application Claimant requested a hearing by written notice dated September 14, 2011.
3. Claimant's hearing was held by telephone conference on February 16, 2012.
4. While his appeal was pending, the department's representative provided proof Claimant was determined disabled by the Social Security Administration (SSA), by submitting a State Online Query (SOLQ), showing Claimant had received a Partially Favorable decision from the Social Security Administration (SSA) and had

been determined disabled, with an onset date established as of February 8, 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).

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

The updated evidence submitted while Claimant's MA hearing was pending shows Claimant was determined disabled as of February 2011, over three months before his disputed MA application was filed on May 9, 2011. Consequently, the department must reverse its erroneous denial and process Claimant's disputed application in accordance with departmental 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, and it is Ordered that:

1. The department shall approve MA benefits for Claimant as long as he 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.

/S/

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

Date Signed: 5/21/12

Date Mailed: 5/21/12

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.

VLA/ds

