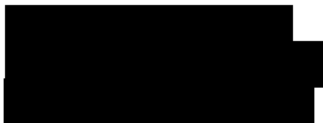


STATE OF MICHIGAN
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:



Reg. No: 201225808
Issue No: 2009
Case No: [REDACTED]
Hearing Date: March 15, 2012
Barry 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, a telephone hearing was held on March 15, 2012. The claimant appeared and provided testimony.

ISSUE

Did the department properly determine claimant's disability 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:

1. Claimant is a 45-year-old male who filed a disability-based MA and retro MA application on September 29, 2011.
2. On December 5, 2011, the Medical Review Team determined the claimant was not disabled.
3. On January 10, 2012, the department received claimant's timely written hearing request disputing this denial.
4. On March 15, 2012, claimant's telephone hearing was held.
5. After the hearing, the department provided the Social Security report (SOLQ Report), showing the claimant was approved for RSDI benefits with an onset date of September 22, 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).

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 September 29, 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. 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**, and it is Ordered that:

1. The department shall approve MA/retro MA benefits for claimant under his September 29, 2011 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 his SSA disability status continues.

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

Date Signed: April 19, 2012

Date Mailed: April 20, 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.

SLM/cr

cc:

