

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

IN THE MATTER OF:



Reg No. 2012-60653
Issue No. 2009
Case No. [REDACTED]
Hearing Date: September 13, 2012
Mecosta County DHS

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, an in-person hearing was held on September 13, 2012. Claimant personally appeared and testified. Participants on behalf of the department included Eligibility Specialist [REDACTED] [REDACTED]

ISSUE

Did the department properly deny Claimant's Medicaid (MA)/Retro-MA application based on a finding she 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 March 31, 2011, Claimant applied for MA/Retro-MA.
2. When the department denied that application Claimant requested a hearing by written notice dated June 15, 2012.
3. Claimant's hearing was held by telephone conference on September 13, 2012.
4. While Claimant's appeal was pending, this Administrative Law Judge received a State Online Query (SOLQ), showing Claimant had received a Fully Favorable decision from the Social Security Administration (SSA) and had been determined disabled, with an onset date established as of April 5, 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 eligibility purposes. In the present case, evidence of the favorable SSA decision conclusively establishes Claimant meets the federal standard necessary to qualify for MA 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 April 5, 2011, over a year before her disputed MA application was filed on April 20, 2012. 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 she 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/
Vicki L. Armstrong
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: September 18, 2012

Date Mailed: September 18, 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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