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

IN THE MATTER OF:



Reg. No.: Issue No.: Case No.: Hearing Date: County:

2012-77980 2009; 4031

January 3, 2013 Ogemaw

ADMINISTRATIVE LAW JUDGE: Vicki L. Armstrong

HEARING DECISION

This matter is before the undersigned Admi nistrative Law Judge upon Claim ant's request for a hearing made pursuant to Michigan Compiled Laws 400. 9 and 400.37, which gov ern the administrative hearing and appeal process. After due notice, a telephone hearing was commenced on January 3, 2013, from Lansing, Michigan. Claimant personally appeared and testified. Participants on behalf of the Department of Human Services (Department) included

ISSUE

Did the department properly deny Claimant's Medicaid (MA) and State Disability Assistance (SDA) application based on a finding she lacks a legally disabling condition?

FINDINGS OF FACT

The Administrative Law Judge, bas ed upon the competent, material, and substantial evidence on the whole record, finds as material fact:

- 1. On August 9, 2012, claimant applied for MA/SDA.
- 2. When the department denied that application Claimant requested a hearing by written notice dated September 15, 2012.
- 3. Claimant's hearing was held by telephone c onference on January 3, 2013.
- 4. While her appeal was pending, the department's representative provided proof Claimant was determined disabled by the Social Security Administration (SSA), with onset establish ed as of June 13, 2011, by submitting a copy of Claimant's Fully Favorable Social Security Administration Decision.

CONCLUSIONS OF LAW

The Medical Assistance (MA) program is es tablished by Title XIX of the Social Security Act and is implemented by Title 42 of the Code of F ederal 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 Administra tive Manual (BAM), the Bridges Eligibility Manual (BEM) and the Reference Tables Manual (RFT).

The State Disability Assistanc e (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 Mich Admin Code, Rules 400. 3151-400.3180. Department policies are found in the Bridges Administra tive 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 Clai mant's MA/SDA hearing was pending shows Claimant was determined disabled as of June, 2011, well over a y ear before her disputed MA/SDA applic ation was filed on August 9, 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 de termining Claimant is not disabled.

Accordingly, the department's decision is **REVERSED**, and it is Ordered that:

1. The department shall approve MA/SDA 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.

Juchi Z.

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

Date Signed: April 25, 2013

Date Mailed: April 25, 2013

NOTICE: Administrative Hearings may order a rehearing or reconsideration on either its own motion or at the request of a party wit hin 30 day s of the mailing date of this Decision and Order. Admi nistrative 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 Decisi on and Order or, if a time ly request for rehearing was made, within 30 days of the receipt date of the rehearing decision.

Claimant may request a rehearing or reconsideration for the following reasons:

- A rehearing <u>MAY</u> be granted if there is ne wly discovered evidence that could affect the outcome of the original hearing decision.
- A reconsideration **MAY** be granted for any of the following reasons:
 - misapplication of manual policy or law in the hearing decision,
 - typographical errors, mathematical error, or other obvious errors in the hearing decision that effect the substantial rights of the claimant:
 - the failure of the ALJ to addres s ot her relevant issues in the hearing decision.

Request must be submitted through the loc al DHS office or directly to MAHS by mail at

Michigan Administrative Hearings Reconsideration/Rehearing Request P. O. Box 30639 Lansing, Michigan 48909-07322

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