

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:



Reg. No: 201252011
Issue No: 2009, 4031
Case No: [REDACTED]
Hearing Date August 1, 2012
Midland 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 August 1, 2012. The claimant personally appeared and provided testimony as did a representative from Community Mental Health, [REDACTED].

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. On December 19, 2011, the claimant filed an application for Medical Assistance, retroactive Medical Assistance, and State Disability Assistance benefits alleging disability.
2. When the department denied that application Claimant requested a hearing by written notice dated May 11, 2012.
3. Claimant's hearing was held by telephone conference on August 1, 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 August 1, 2008 and an eligibility date of October 1, 2008.

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 Bridges Reference Manual (BRM).

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 Bridges Reference Manual (BRM).

In Michigan, the SSA's determination of disability onset is binding for MA and 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 and SDA pursuant to BEM Items 150, 260, and 261.

The updated evidence submitted while Claimant's MA hearing was pending shows Claimant was determined disabled as of October 1, 2008, well before his disputed MA/SDA application was filed on December 19, 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 that the claimant meets the MA-P and SDA disability standard.

Accordingly, the department's decision is **REVERSED**.

It is HEREBY ORDERED that the department shall process Claimant's December 19, 2011 MA/Retro-MA and SDA application, and shall award him all the benefits he may be entitled to receive, as long as he meets the remaining financial and non-financial eligibility factors. Departmental review of the 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: October 22, 2012

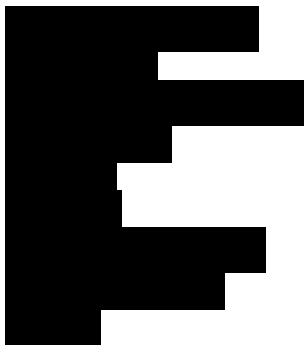
Date Mailed: October 22, 2012

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.

CSS/cr

cc:

A large black rectangular redaction box covering several lines of text in the cc field.