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

IN THE MATTER OF:



Reg No. 2013-9140 Issue No. 2009

Case No.

Hearing Date: February 19, 2013

Calhoun-21 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 Clai mant's request for a hear ing. After due notice, a telephone hearing was held on February 19, 2013. Claimant, represented by of personally appeared and testifi ed. Participants on behalf of the department included Eligibility Specialist

ISSUE

Did the department properly deny Claimant's M edicaid (MA) and Retro-MA application based on a finding his physical impairment lacks duration?

FINDINGS OF FACT

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

- On August 23, 2012, Claimant applied for MA/Retro-MA and SDA based on disability.
- 2. On October 18, 2012, MRT ap proved Claimant's application for SDA, but denied his application for MA/Retro-MA based on a lac k of duration. (Dept Ex. A, pp 43-44).
- 2. When the department denied that application, Claimant requested a hearing by written notice dated October 30, 2012.
- On December 27, 2012, the St ate Hearing Rev iew Team (SHRT) denied Claimant's MA/Retro-MA indicating that the medic al evidence of record showed his c ondition was improving or was expected to improve within 12 mont his from the dat e of onset or date of surgery. (Dept Ex. B).

4. During the hearing, the department reviewed Claim ant's SOLQ after he testified he had be en approved for SSA. Based on the department's review of the SOLQ, the department approved on the record, Claimant's MA/Retro-MA back to July, 2012.

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).

In Michigan, the SSA's deter mination of disability onset is binding for MA eligibility purposes. In the present case, evidence of the favorable SSA decision conclusively establishes Claimant m eets the federal standard necessar y to qualify for MA pursuant to BEM Items 150 and 260.

Based on the SOLQ showing SSA found that Claiman t was disabled and the department's agreement, based on their review of the SOLQ, that Claimant was entitled to MA and Retro-MA back to July, 2012, there was no further issues to adjudicate.

DECISION AND ORDER

Therefore, this Administrative Law Judg e, based upon the above findings of f act and conclusions of law and testimony on the record, 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 and Retro-MA benefits back to July, 2012.
- 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: February 19, 2013

Date Mailed: February 19, 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 days 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.

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