

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

IN THE MATTER OF:

[REDACTED]

Reg. No: 20139288
Issue No: 2009; 4031
Case No: [REDACTED]
Hearing Date: February 20, 2013
Kent 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 February 20, 2013. The claimant personally appeared and provided testimony. She was represented by law clerk [REDACTED] from the law office of [REDACTED]. The department witnesses were Holly Paniwozic and [REDACTED].

ISSUE

Did the Department of Human Services (the department) properly deny claimant's application for Medical Assistance (MA-P), State Disability Assistance (SDA) and retro MA?

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 15, 2012, claimant filed an application for Medical Assistance (MA), State Disability Assistance (SDA) and retro MA benefits alleging disability.
2. When the department denied the application on September 10, 2012, claimant requested a hearing by written notice received by the department on November 1, 2012.
3. Claimant's hearing was held by telephone on February 20, 2013.
4. While her appeal was pending, claimant's authorized representative, Mr. Galdys, provided proof claimant was determined disabled by the

Social Security Administration (SSA), with disability onset established as of November 15, 2009.

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 Tables (RFT).

In Michigan, the SSA's determination of disability onset is binding for MA and SDA eligibility purposes. In the present case, evidence of the fully 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.

Claimant's authorized representative has shown claimant was determined disabled as of November 15, 2009, which is prior to when her application was submitted. 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 that the department erred in determining claimant is not disabled.

Accordingly, the department's determination is **REVERSED**, and it is ORDERED that:

1. The department shall approve the MA/retro MA and SDA benefits for claimant under her March 15, 2012 application, as long as claimant meets all non-medical factors.
2. Departmental review of claimant's medical condition is not necessary as long as her SSA disability status continues.

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

Date Signed: February 28, 2013

Date Mailed: March 1, 2013

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.

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

- A rehearing **MAY** be granted if there is newly 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 address other relevant issues in the hearing decision.

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

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

SLM/cr

cc:

