

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

IN THE MATTER OF:

[REDACTED]

Reg. No: 2013-2994
Issue No: 2009; 4031
Case No: [REDACTED]
Hearing Date: January 24, 2013
Macomb County DHS

ADMINISTRATIVE LAW JUDGE: Suzanne L. Morris

HEARING DECISION

Following Claimant's request for a hearing, this matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and 400.37; 42 CFR 431.200 to 431.250; and 45 CFR 205.10. After due notice, a telephone hearing was held on January 24, 2013, from Lansing, Michigan. The claimant personally appeared and provided testimony, along with his wife, [REDACTED]. He was represented by Advomas. The department representative was [REDACTED].

ISSUE

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

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 April 25, 2012, claimant filed an application for Medical Assistance (MA) and State Disability Assistance (SDA) benefits alleging disability.
- (2) When the department denied that application, claimant requested a hearing by written notice received by the department on September 27, 2012.
- (3) Claimant's hearing was held by telephone on January 24, 2013.
- (4) While his appeal was pending, claimant's authorized representative, Advomas, provided proof claimant was determined disabled by the Social Security Administration (SSA), with disability onset established as of January 23, 2012.

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 Program Reference Manual (PRM).

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

Claimant's authorized representative has shown claimant was determined disabled as of January 23, 2012, which is prior to when his application was submitted. Consequently, the department must reverse its erroneous denial and process claimant's disputed application in accordance with department policy.

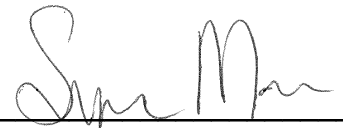
DECISION AND ORDER

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/SDA benefits for claimant under his April 25, 2012 application, as long as claimant is otherwise eligible to receive them.
2. Departmental review of claimant's medical condition is not necessary as long as his SSA disability status continues.

Suzann



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

Date Signed: December 19, 2013

Date Mailed: December 19, 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.

SLM/hj

cc:

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