

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

IN THE MATTER OF:

[REDACTED]

Reg No. 2013-9140
Issue No. 2009
Case No. [REDACTED]
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 Claimant's request for a hearing. After due notice, a telephone hearing was held on February 19, 2013. Claimant, represented by [REDACTED] of [REDACTED] personally appeared and testified. Participants on behalf of the department included Eligibility Specialist [REDACTED] [REDACTED]

ISSUE

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

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 August 23, 2012, Claimant applied for MA/Retro-MA and SDA based on disability.
2. On October 18, 2012, MRT approved Claimant's application for SDA, but denied his application for MA/Retro-MA based on a lack 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.
3. On December 27, 2012, the State Hearing Review Team (SHRT) denied Claimant's MA/Retro-MA indicating that the medical evidence of record showed his condition was improving or was expected to improve within 12 months from the date of onset or date of surgery. (Dept Ex. B).

4. During the hearing, the department reviewed Claimant's SOLQ after he testified he had been 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 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 Reference Tables Manual (RFT).

In Michigan, the SSA's determination of disability onset is binding for MA eligibility purposes. In the present case, evidence of the favorable SSA decision conclusively establishes Claimant meets the federal standard necessary to qualify for MA pursuant to BEM Items 150 and 260.

Based on the SOLQ showing SSA found that Claimant 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 were no further issues to adjudicate.

DECISION AND ORDER

Therefore, this Administrative Law Judge, based upon the above findings of fact 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 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 receipt 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.

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