

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF: [REDACTED]

Claimant

Reg. No: 2006-10847

Issue No: 2009; 4031

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

September 7, 2006

Ingham County DHS

ADMINISTRATIVE LAW JUDGE: Janice Spodarek

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9; MSA 16.409 and MCL 400.37; MSA 16.437 upon claimant's request for a hearing to protest the denial of claimant's MA-P and SDA application. After due notice, an in-person hearing was held on September 7, 2006. Claimant was represented at the administrative hearing by [REDACTED]

ISSUE

Whether claimant meets the disability criteria for MA-P and 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 1/9/06, claimant applied for MA and SDA with the Michigan DHS.
- (2) Claimant applied for three months of retro.
- (3) On 2/16/06, MRT denied.

(4) On 2/22/06, the department issued notice.

(5) On 4/3/06, claimant filed a hearing request.

(6) At the conclusion of the hearing, the record was held open at claimant's request for the submission of additional medical records.

(7) The undersigned Administrative Law Judge had contacts or attempted to contact the local office or claimant's attorney regarding the medicals on the following dates: 5/25/07; 5/30/07; 10/19/07; 7/17/08; 7/18/07; 2/9/09; 2/23/09; 3/11/09; 3/24/09; and 3/25/09.

(8) On 4/6/09, the requested medicals were received from counsel and forwarded to SHRT.

(9) On 4/27/09, SHRT approved claimant's case on the basis of a Social Security approval decision of 4/17/08. Prior to that time--from the application date of 1/9/06 until the Social Security approval of 4/17/08, the undersigned Administrative Law Judge will consider the case to be an SHRT approval as SHRT had full access to the file and application dates.

CONCLUSIONS OF LAW

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 Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

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 Program Administrative

Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

Because of the SHRT determination which is a part SHRT approval and part SSA approval, it is not necessary for the Administrative Law Judge to discuss the issue of disability. PEM, Item 260; PEM, Item 261.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the claimant meets the definition of medically disabled under the MA and SDA programs as of 1/9/06 including three months of retro MA if otherwise eligible.

The department is ORDERED to review this case in accordance with the SHRT comments section of its 4/24/09 decision.

/s/ _____
Janice Spodarek
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: April 28, 2009

Date Mailed: April 29, 2009

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.

JS/cv

cc:

