

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.: 200620465

Issue No.: 2009, 4031

Case No:

Load No.:

Hearing Date:

November 1, 2006

Wayne County DHS:

ADMINISTRATIVE LAW JUDGE: Jeanne M. VanderHeide

HEARING DECISION

This matter was conducted by Administrative Law Judge Jacqueline Hall-Keith by telephone conference on July 12, 2007 pursuant to MCL 400.9 and MCL 400.37 upon the Claimant's request for hearing received by the Department. Judge Jacqueline Hall-Keith left State employment before the hearing decision was written. The undersigned Administrative Law Judge has written this hearing decision after review of a evidence in the record including the recording of the actual hearing. At the hearing, the Claimant was present and testified. [REDACTED], MCW appeared on behalf of the Department.

ISSUE

Whether the Department properly determined that the Claimant was not disabled for purposes of the Medical Assistance Program ("MA-P") and State Disability Assistance ("SDA") benefits.

FINDINGS OF FACT

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

1. Claimant filed for MA and SDA on May 2, 2006.
2. The Medical Review Team denied Claimant's MA and SDA application on July 25, 2006.
3. Claimant was sent notice of the denial on July 27, 2006.
4. Claimant filed a hearing request on August 7, 2006.
5. Subsequent to the hearing, the Social Security Administration determined that the Claimant met the disability criteria for the SSI/RSDI program effective 5/1/2006. Claimant's onset date was 11/15/05. Exhibit 2.

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 400.1 *et seq.*, and MCL 400.105. Department policies are found in the Program/Bridges Administrative Manual (BAM/PAM), the Program/Bridges Eligibility Manual (BEM/PEM) and the Reference Tables (RFT).


Because of the Social Security Administration determination, it is not necessary for the Administrative Law Judge to discuss the issue of disability. BEM/PEM 260. The SSA decision was not appealed, and thus became final and binding on the Claimant's MA. Ultimately, the Department did not establish that it acted in accordance with department policy when it denied the Claimant MA coverage.

According to the foregoing facts and law, this Administrative Law Judge finds the Claimant is "disabled" for purposes of the MA and SDA programs pursuant to the SSA disability determination.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the claimant is medically disabled under the MA and SDA programs as of the date of application, May 2, 2006, including any retroactive benefits applied for.

Therefore the department is ordered to initiate a review of the application of May 2, 2006, if not done previously, to determine claimant's non-medical eligibility and to supplement Claimant for any benefits to which he would have been entitled under the law. The department shall inform the claimant of the determination in writing. The case shall be reviewed July, 2011.

/s/ 
Jeanne M. VanderHeide
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: June 29, 2010

Date Mailed: June 29, 2010

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 60 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.

JV/hw

cc: 

