

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: 2007-19166

Issue No: 2009

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

May 1, 2008

Calhoun County DHS

ADMINISTRATIVE LAW JUDGE: Janice Spodarek

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 three-way telephone hearing was held on May 1, 2008. Claimant was represented at the administrative hearing by

[REDACTED]

ISSUE

Is claimant approved for a closed ended period of time beginning with retro MA of 10/05 and MA-P on 1/06 with a closing as of 3/5/08?

FINDINGS OF FACT

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

(1) The procedural history in this case is not definitive. The issue before the undersigned Administrative Law Judge at the evidentiary hearing held 5/1/08 concerns a 9/29/06 MA-P and SDA applications. The initial DHS-49 contained a different application date; the parties stipulated at the administrative hearing that the correct application date was 9/29/06.

Evidence at the administrative hearing was that claimant was approved SDA by MRT pursuant to the 9/29/06 application, not at issue herein (with a review scheduled 4/07). Claimant has applied, reapplied, and asked for a number of different hearing requests. SOAHR has combined some of the hearing requests, which is not clearly made part of the full record.

- (2) For the 9/29/06 application, claimant applied for three months of retro.
- (3) For the 9/29/06 application, MRT denied on 12/12/06.
- (4) For the 9/29/06 application, the department issued notice of denial on 1/31/07.
- (5) For the 9/29/06 application, claimant filed a hearing request on 4/27/07.
- (6) On 2/5/08, the State Hearings Review Team (SHRT) denied claimant. Pursuant to

claimant's request to hold the record open for the submission of new and additional medical documentation, on 2/24/09 SHRT approved with the following conditions:

Claimant is granted a closed ended period retro MA 10/05 and MA-P 1/06; closing as of 3/5/08; per the State Hearing Review Team decision of 2/5/08.

The 2/5/08 SHRT decision was not returned by SHRT or made part of the evidentiary packet.

(7) On 1/27/06, claimant applied for MA-P, retro MA, and SDA. On 4/7/06, MRT approved the SDA. The MRT denied MA-P and retro MA. The SHRT decision of 2/24/09 indicates an approval back to 10/05 pursuant to a 1/06 prior application.

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

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).

Statutory authority for the SDA program states in part:

- (b) A person with a physical or mental impairment which meets federal SSI disability standards, except that the minimum duration of the disability shall be 90 days. Substance abuse alone is not defined as a basis for eligibility.

In order to receive MA benefits based upon disability or blindness, claimant must be disabled or blind as defined in Title XVI of the Social Security Act (20 CFR 416.901). DHS, being authorized to make such disability determinations, utilizes the SSI definition of disability when making medical decisions on MA applications. MA-P (disability), also is known as Medicaid, which is a program designated to help public assistance claimants pay their medical expenses. Michigan administers the federal Medicaid program. In assessing eligibility, Michigan utilizes the federal regulations.

In this case, the undersigned Administrative Law Judge is very confused as to the procedural history laid out by the SHRT decision. However, as the SHRT decision grants more benefits to claimant than the undersigned Administrative Law Judge had before her, this undersigned Administrative Law Judge will not find against claimant with regards to the approval finding of the 2/24/09 SHRT decision. As already noted, claimant filed a number of applications, re-applications, and was continuously reviewed for SDA during this time and continued for more than one year. To add to the confusion, the 2/5/08 SHRT decision was not returned to the undersigned Administrative Law Judge.

The 2/24/09 decision gives claimant benefits for a closed-ended period of time beginning with three months of retro pursuant to a prior MA-P application. The undersigned Administrative Law Judge upholds the SHRT approval for the closed-ended period of time and for the period of time identified in the SHRT decision.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the 2/24/08 SHRT decision granting claimant MA-P benefits effective January, 2006 with retro MA back to October, 2005 is hereby UPHELD; and the closing date of 3/5/08 is hereby UPHELD. Claimant is granted MA-P benefits for this closed-ended period of time.

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

Date Signed: April 30, 2009

Date Mailed: April 30, 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 mailing of the Decision and Order or, if a timely request for rehearing was made, within 30 days of the mailing date of the rehearing decision.

JS/cv

cc:

