

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: 2007-08729

Issue No: 2009; 4031

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

May 31, 2007

Genesee 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 telephone hearing was held on May 31, 2007.

ISSUE

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

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 6/30/06, claimant applied for MA-P and SDA with the Michigan DHS.
- (2) Claimant applied for three months of retro MA.
- (3) On 1/12/07, the MRT denied.
- (4) On 1/19/07, the DHS issued notice.

(5) On 1/30/07, claimant filed a hearing request.

(6) On 4/27/07, the State Hearing Review Team (SHRT) denied claimant due to insufficient information requesting additional medical documentation. Pursuant to claimant's request to hold the record open for the submission of new and additional medical documentation, requested by SHRT, the department agreed to collect the medicals requested by SHRT. The department failed to follow through with the documentation. The undersigned Administrative Law Judge made numerous attempts to contact the local office to obtain the medical documentation. The undersigned Administrative Law Judge was also on an extended leave of absence from August, 2008 returning full time on February 1, 2009.

(7) On 5/13/2009, the local office informed SOAHR that claimant has an RSDI and SSI case open with a deductible.

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.

Because of the Social Security determination, it is not necessary for the Administrative Law Judge to discuss the issue of disability. PEM Item 260; PEM Item 261.

As the department's verification was not specific, this Administrative Law Judge has reviewed the file and finds that claimant is entitled to MA and SDA for any months not covered by the SSA ruling. Statutory disability for any alternative months is shown for the MA and SDA programs.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that claimant meets the definition of medically disabled for the MA and SDA programs as of the 6/30/2006 application date and including three months of retro, if otherwise eligible. As claimant already has an MA case open with a spend-down with the Michigan DHS, the department shall review this case in accordance with its already existing open file.

/s/

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

Date Signed: May 15, 2009

Date Mailed: May 15, 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:

