

**STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS & RULES
FOR THE DEPARTMENT OF HUMAN SERVICES**

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IN THE MATTER OF:

SOAHR Docket No. 2007-2036REHD

DHS Reg No: 2006-14934

Case No: [REDACTED]

[REDACTED]
Claimant

REHEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9; MCL 400.37; and MAC R 400.919 upon an Order of Rehearing granted on June 5, 2008. Claimant was represented by [REDACTED]

ISSUE

Does Claimant meet the disability standard for Medical Assistance based on disability (MA-P) and State Disability Assistance (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 April 29, 2006, Claimant, who was an SDA recipient, applied for MA-P and retro MA-P benefits.
2. On April 5, 2006, the Medical Review Team (MRT) determined that Claimant did not meet the disability standard for MA-P benefits.
3. On April 14, 2006, the Department sent Claimant written notice that he was denied MA-P benefits.
4. On May 25, 2006, MRT determined that Claimant was no longer eligible for SDA benefits at medical review.

5. On July 11, 2006, the Department received Appellant's hearing request, protesting the denial of MA-P benefits.
6. The State Hearing Review Team upheld the denial of SDA benefits on July 28, 2006, and upheld the denial of MA-P and retro MA-P benefits on August 16, 2006.
7. On February 21, 2007, the Administrative Law Judge for the Department of Human Services issued a Decision and Order, affirming the Department's denial of MA-P benefits, however, the denial of continued SDA benefits was reversed.
8. Subsequent to the Decision and Order issued in February 2007, the Social Security Administration (SSA) determined at the Administrative Hearings level that the Claimant met the federal SSI disability criteria beginning June 15, 2005.

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).

Based on the Social Security Administration determination, Claimant meets the MA-P disability standard with a disability onset date of June 15, 2005. PEM, Item 260.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Appellant meets the definition of medically disabled under the MA-P program beginning June 15, 2005.

[REDACTED]
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Rehearing Decision

Accordingly, if it has not already done so, the Department is ORDERED to determine whether Claimant is otherwise eligible for MA benefits for the time period in question and issue any retroactive MA benefits that Claimant is otherwise eligible to receive based on an application date of March 29, 2006.

/s/ _____
Marya Nelson-Davis
Administrative Law Judge
State Office of Administrative Hearing and Rules

cc:

[REDACTED]

Date Signed: April 21, 2009

Date Mailed: April 22, 2009

*****Notice*****

The Claimant may appeal this Rehearing Decision to Circuit Court within 30 days of the mailing of this Rehearing Decision.