

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: 2008-10040
Issue No: 2009; 4031
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
June 26, 2008
Lake 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 application for Medical Assistance (MA-P) and State Disability Assistance (SDA). After due notice, a three-way telephone conference hearing was held on June 26, 2008.

ISSUE

Whether claimant meets the disability criteria for MA 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 8/23/07, claimant applied for MA-P and SDA with the Michigan DHS.
- (2) Claimant did not apply for retro MA.
- (3) On 11/20/07, MRT denied.

(4) On 11/26/07, the department issued notice.

(5) On 12/4/07, claimant filed a hearing request.

(6) On 6/26/08, an administrative hearing was held. At that time, claimant requested that the record be held open for the submission of new medical evidence. Claimant's case was returned to SHRT for a second review. On 3/19/09, SHRT returned the case denying for insufficient information and requesting additional medical documentation.

(7) On April 1, 2009, the undersigned Administrative Law Judge requested the local office respond to the request for additional medical exams. Pursuant to a 5/20/09 memorandum from the local office, claimant was approved SSI with SSA pursuant to an approval issued by SSA with a disability onset date of August 17, 2007. There are no substantive months left to review for the undersigned Administrative Law Judge.

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).

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

It is noted that the local office indicated that it may request that claimant complete a retro MA application. However, the undersigned Administrative Law Judge held an administrative hearing where both parties stipulated there was no retro MA application. The undersigned Administrative Law Judge does not need to make any decision regarding any substantive months not at issue at the administrative hearing. The only months at issue concern August, 2007 forward. Pursuant to the department's verification, claimant is eligible pursuant to an SSA approval with a disability onset date of August, 2007.

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 Medical Assistance and State Disability Assistance programs , if otherwise eligible, as of the August 23, 2007 application date.

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

Date Signed: May 29, 2009

Date Mailed: May 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:

