## STATE OF MICHIGAN STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

# ADMINISTRATIVE HEARINGS FOR THE DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

,

Claimant

Reg. No: 2008-11746

Issue No: 2009; 4031

Case No: Load No:

Hearing Date: April 30, 2008

Wayne-43 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 proposed closure by the DHS of claimant's MA and SDA cases at review. After due notice, a telephone hearing was held.

## <u>ISSUE</u>

Whether claimant meets the disability criteria for Medical Assistance (MA) 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) Prior to the proposed negative action herein, claimant was receiving MA-P and SDA benefits with the Michigan DHS.
  - (2) In October, 2007, claimant's cases were scheduled for review.

- (3) On 12/11/07, MRT denied.
- (4) On 12/13/07, the department issued notice of proposed closure.
- (5) On 12/17/07, claimant filed a timely hearing request. The department reinstated the action pending the outcome of the hearing.
  - (6) On 3/26/08, SHRT denied claimant.
- (7) At the conclusion of the hearing, the record was held open at claimant's request for the submission of additional medical records. Medical records were received and submitted to the State Hearing Review Team (SHRT), and on 3/2/09, SHRT once again denied claimant.
- (8) The undersigned Administrative Law Judge was on an extended leave from 8/1/08, returning full time 2/1/09. None of the ALJ's pending cases were reassigned while on leave; no protected time afforded before or after leave for issuing decisions.
- (9) Subsequent to the hearing, the Social Security Administration determined by way of a fully favorable decision by a Federal Administrative Law Judge that claimant the criteria for federal statutory disability.
- (10) On 2/17/2010, the undersigned Administrative Law Judge received verification from DDS indicating claimant was approved disability benefits by SSA. There are no months left for a substantive review in the case herein.

## CONCLUSIONS OF LAW

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).

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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).

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.

The department is required to initiate a determination of claimant's financial eligibility for

the requested benefits, if required by DHS policy and procedure.

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 MA and

SDA programs at review as of the October, 2007 review date.

The department shall review this case in accordance with its usual policy and procedure.

Janice Spodarek

Administrative Law Judge for Ismael Ahmed, Director

Department of Human Services

Date Signed: March 4, 2010

Date Mailed: March 8, 2010

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**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/lk

