

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: 2008-12726
Issue No: 2009; 4031
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
May 28, 2008
Bay County DHS

ADMINISTRATIVE LAW JUDGE: Janice G. 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 MA-P and SDA with the Michigan DHS. After due notice, an in-person hearing was held in Bay County in Essexville, Michigan, on May 28, 2008.

Claimant was represented at the administrative hearing by [REDACTED], hearing specialist with [REDACTED]

ISSUE

Whether claimant meets the disability criteria for continuing MA-P 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 11/26/07, claimant applied for MA-P and SDA with the Michigan DHS.
- (2) Claimant applied for 3 months of retro MA.

- (3) On 1/11/08, MRT denied claimant.
- (4) On 12/2/08, the department issued notice.
- (5) On 1/9/08, claimant filed a timely hearing request.
- (6) On 4/3/08, 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. Prior to the issuance of an administrative decision, and prior to the submission of new medical documentation to SHRT, the Social Security Administration determined that the claimant met the disability criteria. Claimant's representative verified that pursuant to a Decision and Order on January 16, 2009, ALJ Christensen issued a fully favorable decision for RSDI and SSI on behalf of claimant with an amended disability onset date of September 21, 2007.

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).

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; PAM Item 115.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that claimant continues to be eligible for the Medical Assistance and State Disability Assistance programs as of 11/26/07--claimant's application date with the Michigan DHS. Pursuant to PAM Item 115, p. 8, claimant is eligible for three months of retro MA if the non-medical eligibility criteria are met.

The department is ORDERED to review this case in accordance with its usual policy and procedure.

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

Date Signed: March 6, 2009

Date Mailed: March 6, 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.

JGS [REDACTED]

cc:

[REDACTED]