

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: 2008-13170
Issue No: 2009; 4031
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
May 21, 2008
Montcalm 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 21, 2008. Claimant was represented at the administrative hearing by [REDACTED]

ISSUE

Does claimant meet the Medical Assistance (MA-P) and State Disability Assistance (SDA) criteria?

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 9/18/07, claimant applied for MA-P and SDA with the Michigan DHS.
- (2) Claimant applied for three months of retro MA.
- (3) On 1/3/08, the MRT denied.

(4) On 1/8/08, the DHS issued notice.

(5) On 1/22/08, claimant filed a hearing request.

(6) Claimant testified under oath that she has an SSI application pending with the Social Security Administration (SSA).

(7) On 4/17/08, the State Hearings Review Team (SHRT) denied claimant. Pursuant to claimant's request to hold the record open for the submission of new and additional medical documentation, on April 20, 2009 SHRT once again denied claimant. It appears that new medical was included in the packet re-sent to SHRT, but because it was not numbered as exhibits SHRT did not believe that the new medical was issued and reissued its previous decision.

(8) The undersigned Administrative Law Judge was on an extended leave of absence during 2008, returning full time on February 1, 2009. None of the undersigned Administrative Law Judge's cases were processed.

(9) Claimant had a prior MA-P and SDA application, dated 4/25/2007, which was denied by MRT and SHRT. Claimant requested a hearing which was held before Judge Marlene B. Magyar on December 11, 2008. On July 22, 2008, Judge Magyar issued a Decision and Order reversing the DHS's denial and approving MA-P and SDA (Reg. Number 2007-22957).

(10) All months at issue herein with regards to claimant's subsequent application which took place after Judge Magyar's application date reviewed, are covered. There are no months left to review.

(11) On 4/21/09, the undersigned Administrative Law Judge received verification from the local office that claimant was approved and opened MA-P and SDA in April, 2007. Claimant's cases have remained open.

(12) Judge Magyar's decision is adopted and incorporated by reference herein (2007-22957).

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.

In order to receive MA benefits based upon disability or blindness, claimant must be disabled or blind as defined in Title XVI of the Social Security Act (20 CFR 416.901). DHS, being authorized to make such disability determinations, utilizes the SSI definition of disability when making medical decisions on MA applications. MA-P (disability), also is known as Medicaid, which is a program designated to help public assistance claimants pay their medical expenses. Michigan administers the federal Medicaid program. In assessing eligibility, Michigan utilizes the federal regulations.

This Administrative Law Judge has reviewed Judge Magyar's decision and adopts and incorporates that decision by reference herein. Judge Magyar's time period covered an application date prior to the application date at issue herein. However, due to the undersigned Administrative Law Judge's leave of absence, Judge Magyar's decision came out during the leave time. The undersigned Administrative Law Judge has received verification from the county that all months which would be at issue in the 9/15/07 and retro month application at issue herein were covered and opened. Claimant received benefits during that time period and continuing and thus, this Administrative Law Judge finds there is no substantive months to review.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department's denial of claimant's 9/18/07 MA-P and SDA applications was incorrect.

Accordingly, the department's denial of claimant's 9/18/07 MA-P and SDA applications is hereby REVERSED.

The department need not take any action pursuant to the decision herein as claimant was in receipt of benefits during all months at issue herein pursuant to Judge Magyar's decision issued July 22, 2008 (2007-22957). Statutory MA-P and SDA is shown.

/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 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:

