

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: 2008-17625
Issue No: 2009; 4031
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
January 7, 2009
Ogemaw County DHS

ADMINISTRATIVE LAW JUDGE: Carmen G. Fahie

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 March 31, 2008 request for a hearing to protest the department's denial of the claimant's Medical Assistance (MA-P, retroactive MA-P, and State Disability Assistance (SDA). After due notice, a telephone hearing was held on January 7, 2009. The record was left open for additional medical information.

ISSUE

Whether the claimant meets the disability criteria for MA-P, retroactive 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) The claimant was a recipient of MA-P and SDA benefits with a medical review December 2008.

(2) On March 19, 2008 the Medical Review Team (MRT) denied the claimant's medical review of MA-P and SDA.

(3) On March 25, 2008, the department caseworker sent the claimant a notice that his medical review of MA-P and SDA was denied.

(4) On March 31, 2008, the department received a hearing request from the claimant, contesting the department's negative action.

(5) 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). SHRT approved claimant's claim of disability on January 21, 2009.

All listings in (CFR 404, Subpart P, Appl) are considered in the decision. The claimant meets/equals Listing 12.03. This is a medical review of a previously approved claim. He has shown some improvement on medication. However, he requires weekly support from [REDACTED] and still has some problems. A medical review of February 2010 is recommended.

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 SHRT determination, it is not necessary for the Administrative Law Judge to discuss the issue of disability, per Program Administrative Manual, Item 600.

The department is required to initiate a determination of claimant's financial eligibility for the requested benefits, if not previously done.

The claimant is required to have a medical review in February 2010.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the claimant continues to meet the definition of medically disabled under the MA-P and SDA programs as of his medical review of December 2008. A medical review is required February 2010.

Accordingly, the department is ORDERED to initiate a review of claimant's continued eligibility application, if it has not already done so, to determine if all other non-medical

eligibility criteria are met. The department shall inform the claimant of the determination in writing. A medical review is required February 2010.

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

Date Signed: February 23, 2009

Date Mailed: February 24, 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 receipt date of the rehearing decision.

CGF/vmc

cc:

