

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: 2008-18691
Issue No: 2009; 4031
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
July 29, 2008
Wayne 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 April 8, 2008 request for a hearing to protest the denial of the claimant's application for Medical Assistance (MA-P), retroactive MA-P, and State Disability Assistance (SDA). After due notice, a telephone hearing was held Tuesday, July 29, 2008. The claimant was present and testified on her own behalf with her daughter, [REDACTED] as a witness.

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) On December 6, 2007, the claimant applied for MA-P and retroactive MA-P to September 2007.

(2) 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 February 18, 2009.

The claimant is 60 years old with eight years of education and an unskilled work history. The claimant alleges disability due to arthritis, degenerative joint disease, pneumonia, hypertension, shortness of breath, and depression. The applicable Social Security Listing was 1.01, 4.01, and 3.01. The claimant meets Social Security Vocational Approval 2.02.01.

MA-P is approved beginning December 2007. Retroactive MA-P is approved as of September 2007. SDA is approved per PEM 261. At the March 2012 medical review, request progress notes and test reports from attending physicians and specialists. Call the claimant for names, addresses, and dates of treatment. Do not send a FIA/DHS-49.

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 approved for retroactive MA-P as of September 2007 and SDA based on the claimant's December 6, 2007 application. A medical review is required in March 2012 based on SHRT approval guidelines.

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-P program as of September 2007 and SDA based on the claimant's December 6, 2007 application.

Accordingly, the department is ORDERED to initiate a review of the December 6, 2007 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.

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

Date Signed: March 17, 2009

Date Mailed: March 17, 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:

