

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: 2008-31263
Issue No: 2009
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
January 15, 2009
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 September 8, 2008 request for a hearing to protest the denial of Medical Assistance and retroactive Medical Assistance benefits. After due notice, a hearing was held Thursday, January 15, 2009. The claimant personally appeared and testified with his authorized representative, [REDACTED].

ISSUE

Whether claimant meets the disability criteria for MA-P and retroactive MA-P?

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 August 5, 2008, the claimant applied for MA-P with a retroactive MA-P application to July 2008.

(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 13, 2009.

The claimant is 50 years old with nine years of education and an unskilled work history. The claimant alleges as disability due to diabetes, heart, and back. Applicable Social Security Listing was 9.01, 4.01, and 1.01. The claimant meets/equals Listing 9.08.

MA-P is approved August 2008 with a retroactive MA-P being approved May 2008 per PAM 420 a payee is to be appointed per substance abuse history. At the March 2010 medical review, the department has to call the claimant for treatment sources to request current progress notes and test reports from attending physicians and specialists. 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).

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 to May 2008. As a result of the claimant's substance abuse history, a payee is to be appointed per PAM 420. A medical review is required in March 2010 to include the requirements of the SHRT decision.

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 MA-P as of May 2008. As a result of the claimant's substance abuse history, a payee is to be appointed per PAM 420. A medical review is required in March 2010 to include the requirements of the SHRT decision.

Accordingly, the department is ORDERED to initiate a review of the August 5, 2008 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

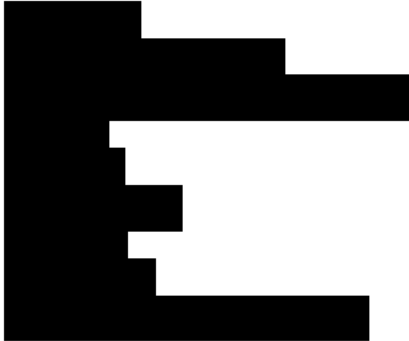
NOTICE: Administrative Hearings may order a rehearing or reconsideration on either its own motion or at the request of a party within 30 days of the mailing date of this Decision and Order. Administrative Hearings will not order a rehearing or reconsideration on the Department's motion where the final decision cannot be implemented within 90 days of the filing of the original request.

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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:

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