

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: 2008-32148

Issue No: 2009; 4031

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date: [REDACTED]

[REDACTED]

Washtenaw County DHS

ADMINISTRATIVE LAW JUDGE: Landis Y. Lain

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, an in-person hearing was held on [REDACTED]. Claimant was represented at the hearing by [REDACTED].

ISSUE

Whether claimant meets the disability criteria for Medical Assistance and State Disability Assistance (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 March 6, 2008, claimant filed an application for Medical Assistance and State Disability Assistance benefits alleging disability.

(2) On July 11, 2008, the Medical Review Team denied claimant's application stating that claimant impairments are non-severe.

(3) On July 17, 2008, the department caseworker sent claimant notice that his application was denied.

(4) On July 29, 2008, claimant filed a request for a hearing to contest the department's negative action.

(5) On October 3, 2008, the State Hearing Review Team again denied claimant's application stating in its analysis and recommendation: That claimant had a non-severe impairment or condition per 20 CFR 416.920(c).

(6) The hearing was held on February 25, 2009. At the hearing, claimant waived the time periods and requested to submit additional medical information.

(7) Additional medical information was submitted and sent the State Hearing Review Team on March 4, 2010.

(8) On March 8, 2010, the State Hearing Review Team approved claimant for Medical Assistance and State Disability Assistance benefits stating in its recommendation that the Social Security Administrative Law Judge approved this claimant for benefits in October 2009. At this point it is not clear whether the claimant has been put in payment status or not, however, it is anticipated that he will be placed into payment status. Therefore, MA-P and Retroactive MA-P is approved effective December 2007. SDA is approved per PEM 261. At the medical review (March 2011), please check to see if the claimant is in current payment status or not. If the claimant is in current payment status at medical review no action will be necessary. However, if the claimant is not in current payment status at the medical review, please obtain

updated application forms (DHS-49 forms) and obtain updated medical records for a medical review to be conducted in March 2011.

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; however, this Administrative Law Judge is not certain whether or not claimant was approved for SSI or RSDI. If claimant was approved for SSI, the department should open a medical assistance case in the month of disability onset date. If claimant is eligible for RSDI, the department is required to initiate a determination of claimant's financial eligibility for the requested benefits, if not previously done.

2008-32148/LYL

LYL/alc

cc:

