

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

[REDACTED]
[REDACTED]
[REDACTED]

Reg. No: 2008-15449
Issue No: 2009; 4031
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date: June 26, 2008
Monroe County DHS

ADMINISTRATIVE LAW JUDGE: Janice Spodarek

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 request for a hearing to protest the denial of claimant's application for MA and SDA. After due notice, a telephone hearing was held.

ISSUE

Whether claimant meets the disability criteria for Medical Assistance (MA) 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 10/9/07, claimant applied for MA-P and SDA with the Michigan DHS.
- (2) Claimant did not retro MA.
- (3) On 1/4/08, MRT denied.
- (4) On 1/10/08, the department issued notice.
- (5) On 2/27/08, claimant filed a hearing request.

- (6) On 5/6/08, SHRT denied claimant.
- (7) 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), and on 3/16/09, SHRT once again denied claimant.
- (8) The undersigned Administrative Law Judge was on an extended leave. None of the ALJ's pending cases were reassigned while on leave; no protected time afforded before or after leave for issuing decisions.
- (9) Subsequent to the hearing, the Social Security Administration determined that the claimant met the disability criteria for the programs with a disability onset date of 11/17/08.
- (10) On 9/27/10, the undersigned Administrative Law Judge received an SOLQ SSA Response Report indicating claimant was approved disability benefits by SSA. Claimant's onset date is identified as 11/17/08.
- (11) Claimant has no eligibility due to a final determination by Social Security on her prior Social Security application and/or until the time Social Security deemed claimant eligible on 11/17/08. This is a partial decision denying claimant eligibility until 11/17/08.

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).

On September 7, 2010, the undersigned Administrative Law Judge received verification from Social Security that claimant was approved RSDI with a disability onset date of 11/17/08. Thus, this ALJ finds partially in favor of claimant giving claimant Medicaid benefits pursuant to her 10/9/07 application only from the disability onset date identified by Social Security beginning 11/17/08.

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 and SDA programs as of the Social Security disability onset date identified by Social Security on 11/17/08, including any retro MA months, if otherwise eligible, and as permitted under policy and procedure.

The department shall review this case in accordance with its usual policy and procedure.

/s/ _____
Janice Spodarek
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: September 27, 2010

Date Mailed: September 28, 2010

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 receipt 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.

JS/le

cc:

A large black rectangular redaction box covers the names and contact information of the individuals listed in the 'cc:' field.