

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: 2008-17720
Issue No: 2009/4031
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
August 27, 2008
Wayne County DHS

ADMINISTRATIVE LAW JUDGE: Marlene B. Magyar

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, a telephone hearing was held on August 27, 2008. Claimant personally appeared and testified.

ISSUE

Did the department properly determine claimant's disability status for Medicaid (MA) and State Disability Assistance (SDA) eligibility purposes?

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 October 11, 2007, claimant applied for MA/SDA.
- (2) On June 10, 2008, the State Hearing Review Team (SHRT) issued a prehearing denial on claimant's application (Department Exhibit #2).

(3) Claimant promptly requested a hearing, at which, the presiding Administrative Law Judge granted a record extension request for submission of updated treatment records.

(4) These updated treatment records were returned to SHRT for a post-hearing review.

(5) On June 29, 2009, SHRT reversed its earlier denial of claimant's disputed MA/SDA application based on a finding he met Listing 202.10 as of June, 2008, the month in which he turned 55 years old, but not earlier.

(6) At age 55, Medical-Vocational Rule 202.10 directs a finding of disabled.

(7) SHRT also recommended a medical review of claimant's condition be conducted in January, 2011.

CONCLUSIONS OF LAW

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).

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).

In the present case, SHRT reversed its earlier finding of lack of disability based on additional medical evidence reviewed for the first time after the hearing. This new medical evidence establishes claimant is currently disabled, and has been disabled since June, 2008 due to reaching age 55.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides the department, through SHRT, properly determined claimant's disability status and begin date upon consideration of additional medical evidence reviewed for the first time after the hearing.

Accordingly, the department's decision is AFFIRMED, and claimant's MA/SDA application shall be processed with benefits awarded retroactive to June, 2008, as long as claimant meets all of the other financial and non-financial requirements necessary to receive them. Additionally, the local office shall conduct a review of claimant's condition in January, 2011. **SO ORDERED.**

/s/ _____
Marlene B. Magyar
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: July 2, 2009

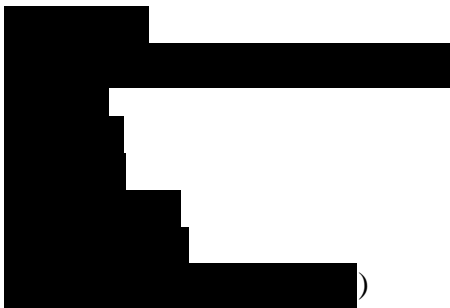
Date Mailed: July 2, 2009

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 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.

MBM/db

cc:

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