

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: 2008-18083
Issue No: 2009
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
March 17, 2009
Tuscola County DHS

ADMINISTRATIVE LAW JUDGE: Gary F. Heisler

ORDER OF DISMISSAL

This matter is before the undersigned Administrative Law Judge by authority of MCL 400.9; and MCL 400.37; upon claimant's request for a hearing filed on April 21, 2008. After due notice, a hearing was held March 17, 2009.

Prior to the closure of the hearing record, it was learned that since the State Hearing Review Team made a determination, the Social Security Administration has approved claimant for Retirement, Survivors, Disability Insurance (RSDI). The disability onset date determined by Social Security Administration is June 9, 2005, long before claimant applied for Medical Assistance (MA) through the Michigan Department of Human Services. A disability determination by the Social Security Administration supercedes State proceedings of disability. In accordance with Program Eligibility Manual (PEM) 260, Claimant's status as a Retirement, Survivors, Disability Insurance (RSDI) recipient (based on disability) meets the disability criteria for Medical Assistance (MA). Therefore, it is not necessary for the Administrative Law Judge to decide the matter of claimant's disability. Pursuant to MAC R 400.906 and 400.903, claimant's hearing request is **HEREBY DISMISSED**.

It is further ORDERED that the Department of Human Services shall continue processing Claimant Medical Assistance (MA) application.

/s/

Gary F. Heisler
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: April 8, 2009

Date Mailed: April 9, 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.

GFH 

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