

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

IN THE MATTER OF:



Reg No. 200819971
Issue No. 2009; 4031
Case No. [REDACTED]
Load No. [REDACTED]
Hearing Date: July 23, 2008
Sanilac County DHS

ADMINISTRATIVE LAW JUDGE: Carmen G. Fahie

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon the claimant's request for a hearing. After due notice, a telephone hearing was held on Wednesday, July 23, 2008. The claimant personally appeared and testified with her husband, A. K., as a witness. The claimant has an attorney on file that will be sent a copy of this Hearing Decision of [REDACTED].

ISSUE

Did the department properly consider the claimant for Medical Assistance (MA-P) and State Disability Assistance (SDA) based upon the fact that the claimant had minor children living in the home?

FINDINGS OF FACT

The Administrative Law Judge, based upon the competent, material, and substantial evidence on the whole record, finds a material fact:

1. On December 3, 2007, the claimant applied for MA-P and SDA based on disability.
2. On April 4, 2008, the Medical Review Team (MRT) denied the claimant for MA-P stating that the claimant was capable of performing other work and SDA that the claimant's physical and mental impairment does not prevent employment for 90 days or more.
3. On April 7, 2008, the department caseworker sent the claimant a notice that her application was denied.

4. On May 9, 2008, the department received a hearing request from the claimant, contesting the department's negative action.
5. During the hearing, the claimant stated that she was withdrawing for MA because she was currently getting benefits.
6. This Administrative Law Judge notes that on July 23, 2008, the claimant signed a Hearing Request Withdrawal and that the hearing was only for SDA and not MA-P, because she was already receiving Medicaid. The claimant had two (2) minor children in the home and the department should have considered her for Family Independence Agency (FIP) cash assistance and Group 2 MA.

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 the 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 (formerly known as the Family Independence Agency) 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).

When the claimant applied for MA-P and SDA based on disability on December 3, 2007, she had two (2) minor children in the home which would make her eligible for Group 2 MA Caretaker Relative and eligible for cash assistance. Therefore, the department has not established it was acting in compliance with department policy because the claimant is eligible for and has been receiving Group 2 MA, which would make her eligible for the Family Independence Agency (FIP) cash assistance.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department has not appropriately denied the claimant's SDA benefits because the claimant is eligible for Group 2 MA Caretaker Relative benefits which would also make her eligible for Family Independence Agency (FIP) cash assistance.

Accordingly, the department's decision is **REVERSED**. The department is ORDERED to reprocess the claimant's December 3, 2007 application and determine if the claimant was eligible for FIP benefits.

/s/ _____
Carmen G. Fahie
Administrative Law Judge
For Ismael Ahmed, Director
Department of Human Services

Date Signed: November 5, 2010

Date Mailed: November 5, 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 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 / vc

cc:

