

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: 2008-30734
Issue No: 2009
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
March 31, 2009
Menominee County DHS

ADMINISTRATIVE LAW JUDGE: Jay W. Sexton

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 in Menominee on March 31, 2009. Claimant did not appear. Claimant was represented at the hearing by [REDACTED].

The department was represented by Rob Billas (FIS/Manager).

ISSUES

(1) Did claimant establish a severe mental impairment expected to preclude him from substantial gainful work, **continuously**, for one year (MA-P) or 90 days (SDA)?

(2) Did claimant establish a severe physical impairment expected to preclude him from substantial gainful work, **continuously**, for one year (MA-P) or 90 days (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 July 8, 2008, claimant applied for MA-P. Claimant currently receives SDA based on MRS participation.

(2) On September 2, 2008, MRT denied claimant's application.

(3) On September 2, 2008, the caseworker notified claimant of the MRT denial. (4)

(4) On September 10, 2008, claimant filed a timely hearing request.

(5) On September 22, 2008, SHRT denied claimant's application.

(6) On January 14, 2009, the Social Security Administration (SSA) approved claimant for SSI/RSDI benefits. The disability onset date is October 10, 2005.

CONCLUSIONS OF LAW

LEGAL BASE

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).

Since the Social Security Administration has approved claimant for SSI/RSDI benefits, the Administrative Law Judge does not have to decide the disability issue presented in claimant's application.

Approval by SSA is a presumptive resulting in an automatic approval of claimant's application for MA-P.

However, claimant's receipt of SDA benefits requires the department to compute the amount of SDA benefits this claimant has received and must now be repaid out of claimant's SSA award.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that claimant is disabled for MA-P purposes effective July 8, 2008. Furthermore, claimant is required to repay all of his SDA benefits from the lump sum he will receive from SSA.

Accordingly, the department's denial of claimant's MA-P application is, hereby, REVERSED. The department shall open an MA-P case for claimant upon completion of the calculation of the SDA recoupment amount.

SO ORDERED.

/s/

Jay W. Sexton
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: August 5, 2009

Date Mailed: August 6, 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 mailing date of the rehearing decision.

JWS/sd

cc:

