

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: 2008-6839
Issue No: 2009; 4031
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
February 26, 2008
Wayne 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 continuing 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) At all relevant times prior to the proposed negative action herein, claimant was a beneficiary of the MA-P and SDA programs with the Michigan DHS.
- (2) In July 2007, claimant's MA-P and SDA cases were scheduled for review.

(3) On 10/2/07, MRT denied.

(4) On 10/5/07, the department issued notice.

(5) On 10/16/07, claimant filed a timely hearing request. The department reinstated the action pending the outcome of the hearing.

(6) On 1/30/08, 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 1/30/08, SHRT denied continuing eligibility for a second time on the basis of insufficient information.

(8) As of the date of the administrative hearing, claimant had an SSI application pending with the Social Security Administration (SSA). The undersigned Administrative Law Judge was on an extended leave of absence from 8/31/09, returning full time on 2/1/09. None of the Administrative Law Judge's pending cases were reassigned while on leave; no protected time afforded before or after leave for issuing decisions.

(9) On 3/24/2009, the local office was contacted regarding the status of the additional testing requested by SHRT. The local office indicated that claimant had been approved SSI with the SSA. The local office failed to submit verification or to indicate onset date.

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).

Because of the Social Security Administration determination, it is not necessary for the Administrative Law Judge to discuss continuing eligibility for MA-P and SDA. PEM, Item 260; PEM, Item 261.

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 for continuing medical disability under the MA and SDA programs. There should not be any months not covered as claimant's case was a review and claimant filed a timely hearing request.

Janice

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

Date Signed: June 1, 2010

Date Mailed: June 1, 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/cv

cc:

