

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: 2009-10460

Issue No: 2009-4031

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

April 2, 2009

Macomb County DHS

ADMINISTRATIVE LAW JUDGE: Jonathan W. Owens

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 hearing was held on April 2, 2009. Claimant appeared and testified.

ISSUE

Whether the Department properly determined the claimant is not "disabled" for purposes of Medical Assistance (MA) program 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 a material fact:

1. On April 9, 2008, the Claimant applied for MA-P, retro MA and SDA.
2. On August 26, 2008, MRT denied the Claimant's request.
3. On November 26, 2008, the Claimant submitted to the Department a request for hearing.

4. The State Hearing and Review Team denied Claimant's request.
5. Subsequent to the hearing, the Social Security Administration issued a fully favorable decision when it determined that the Claimant met the disability criteria for the SSI program, effective November 2008, based upon the Claimant amending her alleged onset date on her September 26, 2007 application for benefits to November 2008.

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

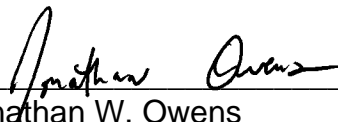
Because of the Social Security Administration determination, it is not necessary for the Administrative Law Judge to discuss the issue of disability, per Program Eligibility Manual, Item 260.

The Department is required to initiate a determination of the Claimant's financial eligibility for the requested benefits, if not previously done.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Claimant is medically disabled under the MA program as of November 2008. The Claimant was not disabled prior to this date based upon the SSA final determination.

Accordingly, the Department's decision is hereby REVERSED. The Department is ORDERED to open an ongoing MA case for the Claimant, effective August 2008, based upon BAM 115, p. 8.



Jonathan W. Owens
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 07/12/10

Date Mailed: 07/12/10

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.

JWO/dj

2009-10460/JWO

cc:

