

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: 2009-12336  
Issue No: 2009/4031  
Case No: [REDACTED]  
Load No: [REDACTED]  
Hearing Date:  
May 5, 2009  
St Clair County DHS

ADMINISTRATIVE LAW JUDGE: Marlene B. Magyar

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 telephone hearing was held on May 5, 2009. Claimant personally appeared and testified. He was assisted by [REDACTED].

ISSUE

Did the department properly determine claimant is not disabled by Medicaid (MA) and State Disability Assistance (SDA) eligibility standards at review?

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 September 11, 2008 claimant applied for MA/retro-MA/SDA.
- (2) The department's State Hearing Review Team (SHRT) issued a final, pre-hearing departmental denial on this application on February 27, 2009.

(3) Claimant appeared with counsel at his disability appeal hearing on May 5, 2009.

(4) At that time, claimant's counsel requested an extension to obtain updated medical records concerning claimant's cardiac diagnosis, treatment and prognosis.

(5) On June 8, 2009, these updated records were returned to SHRT for a post-hearing review.

(6) On June 13, 2009, SHRT reversed its earlier denial of claimant's September 11, 2008 MA/retro-MA/SDA application.

(7) SHRT determined the new evidence shows claimant is currently disabled pursuant to Medical-Vocational Rule 202.04 and they recommended a review of his condition in 2016 (See SHRT decision dated June 13, 2009).

#### CONCLUSIONS OF LAW

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).

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).

In the present case, SHRT reversed its earlier finding of lack of disability based on additional medical evidence reviewed for the first time after the hearing. This new medical evidence establishes claimant is currently disabled, and has been disabled at all times relevant to his September 11, 2008 MA/retro-MA/SDA application.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides the department, through SHRT, properly determined claimant's disability status upon consideration of additional medical evidence reviewed for the first time after the hearing.

Accordingly, the department's decision is AFFIRMED, and it is Ordered that claimant's disputed MA/retro-MA/SDA application shall be processed with benefits awarded if claimant meets all the other financial and non-financial requirements necessary to receive them.

Furthermore, the local office shall conduct a review of claimant's condition in June, 2016, as specified in the SHRT approval dated June 13, 2009.

/s/ \_\_\_\_\_  
Marlene B. Magyar  
Administrative Law Judge  
for Ismael Ahmed, Director  
Department of Human Services

Date Signed: June 18, 2009

Date Mailed: June 22, 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 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.

2009-12336/mbm

MBM/db

cc:

