

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: 2009-14282

Issue No: 2009

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

May 7, 2009

Alpena County DHS

ADMINISTRATIVE LAW JUDGE: Robert Chavez

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 May 7, 2009

ISSUE

Was the denial of claimant's application for MA-P and SDA for lack of disability correct?

FINDINGS OF FACT

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

- (1) Claimant applied for MA-P and SDA on 10-23-08.
- (2) On 12-10-08, the Medical Review Team denied MA-P and SDA, stating that claimant was capable of performing other work under the Medical/Vocational grid rules found at 20 CFR 416.920(f).

(3) On 1-14-09, claimant filed for hearing.

(4) On 3-5-09, the State Hearing Review Team denied MA-P and SDA, stating that they needed additional evidence in order to make a final determination.

(5) On 5-7-09, a hearing was held before the Administrative Law Judge. At that time, the record was left open and the Administrative Law Judge ordered that the Department secure the tests that SHRT needed in order to make a final determination.

(6) On 6-11-09, these additional tests were secured and the file was sent to SHRT for a post-hearing determination.

(7) On 6-22-09, SHRT returned their determination, which showed that they had concluded claimant was disabled and medically eligible for disability Medicaid and SDA.

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 SHRT had ruled that the claimant is medically disabled, it is not necessary for the Administrative Law Judge to rule upon the issue of disability. PAM 600.

If the Department has not yet determined if claimant meets non-financial eligibility guidelines, it should do so at this time.

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 for the purposes of the MA and SDA program.

Accordingly, the Department's decision in the above stated matter is, hereby, REVERSED.

The Department is ORDERED to initiate a review of all non-medical eligibility factors, if it has not already done so.

The Department is further ORDERED to initiate a full review of this case in June, 2010.

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

Date Signed: July 2, 2009

Date Mailed: July 2, 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 receipt date of the rehearing decision.

RJC/cv

cc:

