

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: 2009-15539  
Issue No: 2009; 4031  
Case No: [REDACTED]  
Load No: [REDACTED]  
Hearing Date:  
June 10, 2009  
Emmett County DHS

ADMINISTRATIVE LAW JUDGE: Carmen G. Fahie

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9; MSA 16.409 and MCL 400.37; claimant's January 23, 2009 request for a hearing. After due notice, a telephone hearing was held Wednesday, June 10, 2009. The claimant personally appeared and testified on his own behalf.

ISSUE

Did the department properly determine that the claimant has not established continued eligibility for disability under the Medical Assistance (MA-P) and State Disability Assistance (SDA) programs?

FINDINGS OF FACT

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

(1) The claimant was a recipient of MA with a medical review December 2008.

(2) During the hearing, the claimant's benefits had been terminated by an MRT decision December 2008. This Administrative Law Judge issued an Interim Order requiring the department to reactivate the claimant's MA benefits retroactive to December 2008 pending the outcome of the hearing.

(3) 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). SHRT approved claimant's claim of disability on June 22, 2009.

The claimant is alleging disability due to colon cancer, presence of a colostomy, and hepatitis C. The claimant is 58 years old and has a high school education with a history of unskilled work. The claimant met applicable Social Security Listing CFR 404, Subpart F with Vocational Approval 201.01. Social Security Administration's records show that there is an ongoing SSI claim pending with no decision as of June 22, 2009. Based on the new application on January 23, 2009, the claimant would be found disabled using Vocational Rule 201.01. MA would be retroactive to October 2008. A medical review should be done in June 2010 to check status of current SSI claim with the Social Security Administration. However, it is not clear why benefits were terminated for failure to file a Social Security Administration disability claim as there is a current open SSI disability claim. If benefits were terminated improperly, then MA and SDA benefits would be continued as no medical improvement has been demonstrated.

#### 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 SHRT determination, it is not necessary for the Administrative Law Judge to discuss the issue of disability, per Program Administrative Manual, Item 600.

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

The claimant is eligible for retroactive MA benefits to October 2008, with a medical review required June 2010 to check status of current SSI claim and the claimant's SDA should also continue.

#### 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 of medically disabled under Medical Assistance retroactive to October 2008 and State Disability Assistance.

Accordingly, the department is ORDERED to initiate a review of the claimant's medical review due December 2008, if it has not already done so, to determine if all other non-medical

eligibility criteria are met. The department shall inform the claimant of the determination in writing.

/s/  
Carmen G. Fahie  
Administrative Law Judge  
for Ismael Ahmed, Director  
Department of Human Services

Date Signed: July 13, 2009

Date Mailed: July 14, 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.

CGF/vmc

cc:

