

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: 2009-18315  
Issue No: 2009; 4031  
Case No: [REDACTED]  
Load No: [REDACTED]  
Hearing Date:  
June 25, 2009  
Ogemaw County DHS

ADMINISTRATIVE LAW JUDGE: Ivona Rairigh

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 June 25, 2009. Claimant personally appeared and testified. Also appearing and testifying on claimant's behalf was his wife and his mother-in-law.

ISSUE

Did the department properly determine in February, 2009 that the claimant was not disabled for Medicaid (MA), retroactive MA and State Disability Assistance (SDA) eligibility purposes?

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, retroactive MA and SDA on January 16, 2009.

2. On February 11, 2009, department's Medical Review Team determined claimant was not disabled for MA and SDA eligibility purpose.

3. On February 23, 2009, department sent the claimant a notice saying his MA and SDA application has been denied.

4. On February 27, 2009, claimant requested a hearing on department's action.

5. On April 27, 2009, department's State Hearing Review Team (SHRT) determined that the claimant has submitted insufficient evidence to establish his disability and denied his claim. SHRT however directed that additional medical information be obtained, namely a copy of the Social Security Disability consultative Internist examination scheduled for May 13, 2009.

6. Following the hearing additional information was obtained and forwarded to SHRT.

7. On September 29, 2009, SHRT approved claimant's MA, retroactive MA and SDA application stating that the medical evidence sufficiently demonstrates that the intent and severity of listing 4.11A of federal regulations is met.

#### 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).

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

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the claimant is disabled for MA, retroactive MA and SDA eligibility purposes.

Accordingly, department is to:

1. Initiate a review of claimant's January 16, 2009, MA, retroactive MA and SDA application to determine if all other non-medical eligibility criteria are met. The department shall inform the claimant of the determination in writing.
2. If the claimant is found eligible for MA and SDA, issue him any and all MA and SDA benefits he is entitled to receive based on January 16, 2009, application date.
3. A medical review of claimant's benefits is to take place in October, 2011 per SHRT determination.

SO ORDERED.

/s/ \_\_\_\_\_  
Ivona Rairigh  
Administrative Law Judge  
for Ismael Ahmed, Director  
Department of Human Services

Date Signed: September 30, 2009

Date Mailed: October 5, 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.

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