

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.: 2009-21903
Issue No.: 2009/4031
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date:
September 16, 2009
Wayne County DHS (19)

ADMINISTRATIVE LAW JUDGE: Colleen M. Mamelka

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon the Claimant's request for a hearing received by the Department on April 1, 2009. After due notice, a hearing was scheduled to be held in Inkster, Michigan on Wednesday, September 16, 2009. Prior to the hearing, the Claimant's authorized representative submitted a fully favorable Social Security approval.

ISSUE

Whether the Department properly determined that the Claimant was no longer disabled for purposes of continued Medical Assistance ("MA-P") and State Disability Assistance ("SDA") programs?

FINDINGS OF FACT

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

1. In September of 2008, the Department initiated review of the Claimant's MA-P and SDA benefit programs.

2. On March 12, 2009, the Medical Review Team (“MRT”) determined the Claimant was no longer disabled thus not entitled to MA-P and SDA benefits.
3. On March 18, 2009, the Department sent the Claimant an eligibility notice informing the Claimant that he was found no longer disabled for purposes of MA-P and SDA benefits.
4. On April 1, 2009, the Department received the Claimant’s written Hearing Request protesting the “not disabled” determination.
5. On May 26, 2009, the State Hearing Review Team (“SHRT”) found the Claimant not disabled.
6. On September 1, 2009, the Social Security Administration issued a fully favorable determination covering the period at issue.

CONCLUSIONS OF LAW

The Medical Assistance (“MA”) program is established by Subchapter XIX of Chapter 7 of The Public Health & Welfare Act, 42 USC 1397, and is administered by the Department of Human Services (“DHS”), formally known as the Family Independence Agency, 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”).

A previously denied MA application is treated as a pending application when MRT determined the Claimant was not disabled, and subsequently, the Social Security Administration (“SSA”) determines that the Claimant is entitled to RSDI based on his disability/blindness for some, or all, of the time covered by the denied MA application, provided the Department is informed of the approval within 90 days of the date of the MA denial notice. PEM 260 All eligibility factors must be met for each month MA is authorized. PEM 260

Ultimately, because of the Social Security Administration determination, it is not necessary for the Administrative Law Judge to determine the issue of disability pursuant to PEM 260.

The State Disability Assistance (“SDA”) program, which provides financial assistance for disabled persons, was established by 2004 PA 344. DHS administers the SDA program pursuant to MCL 400.10 *et seq.* and Michigan Administrative Code (“MAC R”) 400.3151 – 400.3180. Department policies are found in PAM, PEM, and PRM. A person is considered disabled for SDA purposes if the person has a physical or mental impairment which meets federal SSI disability standards for at least ninety days. PEM 261 Receipt of SSI or RSDI benefits based on disability or blindness, or the receipt of MA benefits based on disability or blindness (MA-P) automatically qualifies an individual as disabled for purposes of the SDA program. PEM 261

In this case, because the Claimant was found disabled for the purposes of the MA-P program, the Claimant is found disabled for SDA purposes in accordance with the favorable SSA determination.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that the Claimant meets the definition of medically disabled under the MA-P program as determined by the Social Security Administration.

Accordingly, it is ORDERED:

1. The Department shall open (if not previously done so) an ongoing Medical Assistance case for the Claimant based upon the 2008 redetermination application.

2. The Department shall supplement the Claimant for any lost benefits he was otherwise eligible and qualified to receive in accordance with Department policy.

Colleen M. Mamelka

Colleen M. Mamelka
Administrative Law Judge
For Ishmael Ahmed, Director
Department of Human Services

Date Signed: 09/23/09

Date Mailed: 09/23/09

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.

CMM/jlg

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