

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: 2009-22982  
Issue No: 2009; 4031  
Case No: [REDACTED]  
Load No: [REDACTED]  
Hearing Date:  
July 15, 2009  
Saginaw 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 July 15, 2009. Claimant personally appeared and testified.

ISSUE

Did the department properly determine in March, 2009 that the claimant was not disabled for Medicaid (MA), retro 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, retro MA and SDA on November 26, 2008.
2. On March 24, 2009, department's Medical Review Team determined claimant was not disabled for MA and SDA eligibility purpose.

3. On March 27, 2009, department sent the claimant a notice saying his MA and SDA application has been denied.

4. On April 6, 2009, claimant requested a hearing on department's action.

5. On June 10, 2009, department's State Hearing Review Team (SHRT) determined that the claimant was not disabled as he retains the capacity to perform a wide range of medium unskilled work, per Vocational Rule 203.29 as a guide.

6. Following the hearing claimant provided additional medical information which was submitted to SHRT for review. On July 27, 2009, SHRT determined that the medical evidence of record indicates that the claimant does not retain the capacity to perform even sedentary work on a sustained basis.

7. SHRT approved MA using Vocational Rule 201.00 (H) as a guide. Retro MA was also considered and approved effective August, 2008. SDA was approved in accordance with PEM 261.

#### 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 November 26, 2008 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 claimant is determined eligible for MA and SDA, a medical review of claimant's benefits is to take place in January, 2010, per SHRT decision.
3. At medical review updated 49 series application forms, DHS-1552 SSI verification, updated medical records from any hospitalizations and from the neurosurgeon and any treating sources from July, 2009 to current are to be obtained and provided. Old medical packet is to be submitted for review along with new medical information.

SO ORDERED.

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

Date Signed: November 4, 2009

Date Mailed: November 19, 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.

IR 

cc: 