

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: 2009-27097

Issue No: 2009/4031

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

August 12, 2009

Ogemaw County DHS

ADMINISTRATIVE LAW JUDGE: Marlene B. Magyar

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 August 12, 2009. Claimant personally appeared and testified.

ISSUE

Did the department properly deny Medicaid (MA) and State Disability Assistance (SDA) benefits continuation at medical review in April 2009?

FINDINGS OF FACT

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

(1) On April 21, 2009, the department notified claimant in writing her MA/SDA case was proposed for closure based upon a finding of improvement at review.

(2) Claimant promptly requested a hearing; consequently, this proposed action was deleted pending outcome of her case.

(3) Claimant's hearing was held on August 12, 2009.

(4) At hearing claimant presented updated psychological evidence which was promptly forwarded to the department's State Hearing Review Team (SHRT) for a post-hearing review.

(5) On October 13, 2009, SHRT reversed its earlier denial of benefit continuation based on a finding claimant's current mental impairment(s) continue to meet the severity set forth in Listings 12.04 and 12.06.

(6) SHRT also recommended a medical review of claimant's condition be conducted in October 2012.

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).

In the present case, this Administrative Law Judge finds the department, through SHRT, properly determined claimant's condition has not improved to the degree necessary to render her capable of performing any type of substantial gainful work activity.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides the department, through SHRT, properly determined claimant's condition has not improved to the degree necessary to render her capable of performing substantial gainful work activity.

Accordingly, SHRT's decision is **AFFIRMED** and this file is returned to the local office for compliance with SHRT's findings per their decision issued October 13, 2009. **SO**

ORDERED.

/s/
Marlene B. Magyar
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: October 20, 2009

Date Mailed: October 22, 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 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.

2009-27097/mbm

MBM/db

cc:

