

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: 2009-28358
Prev. R# 2009-11126
Issue No: 2009; 4031
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
August 24, 2010
Alcona County DHS

ADMINISTRATIVE LAW JUDGE: Janice Spodarek

REHEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9; MSA 16.409 and MCL 400.37; MSA 16.437 upon claimant's request for a hearing to protest the denial of claimant's application for MA and SDA. After due notice, an in-person rehearing was held on August 24, 2010. Claimant was represented at the administrative hearing by [REDACTED]. Claimant failed to appear

ISSUE

Whether claimant meets the disability criteria for Medical Assistance (MA) and State Disability Assistance (SDA)?

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 June 19, 2008, claimant applied for MA-P and SDA with the Michigan DHS.
- (2) Claimant applied for one month of retro MA.
- (3) On September 25, 2008, MRT denied.
- (4) On September 30, 2008, the department issued notice.
- (5) On December 16, 2008, claimant filed a hearing request.
- (6) On February 6, 2009, SHRT denied claimant.
- (7) On [REDACTED] held an in-person hearing in [REDACTED]. On [REDACTED] issued a Decision and Order upholding the department's denial for MA-P.
- (8) On [REDACTED], [REDACTED] filed a request for a rehearing/reconsideration on the grounds of numerous issues.
- (9) [REDACTED] issued an "Order of Reconsideration" ordering the reassignment of the case to himself. In the top right hand corner, the Order states: "[REDACTED]."
- (10) The SOAHR Administrative Law Judge Snider is no longer in the position of office manager. A check of the SOAHR files does not indicate that a subsequent reconsideration was made or issued.
- (11) On [REDACTED] issued an Order Granting a Rehearing on [REDACTED] Decision and Order. The case was assigned to the undersigned Administrative Law Judge Spodarek.
- (12) At the in-person administrative hearing pursuant to [REDACTED], a hearing was held for approximately one hour when the Administrative Law Judge requested that the local office run an SOLQ. The SOLQ from Bridges indicates that claimant was approved RSDI

beginning June 1, 2010, with a date of entitlement of June 1, 2008 and disability onset date of January 1, 2008. There are no months left to review.

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 Social Security Administration determination, it is not necessary for the Administrative Law Judge to discuss the issue of disability. PEM, Item 260; PEM, Item 261.

The department is required to initiate a determination of claimant's financial eligibility for the requested benefits, if required by DHS policy and procedure.

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 the MA and SDA programs as of the June 19, 2008 application date, including any retro MA months, if otherwise eligible, and as permitted under policy and procedure.

The department shall review this case in accordance with its usual policy and procedure.

/s/

Janice Spodarek
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: August 27, 2010

Date Mailed: August 30, 2010

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.

JS/tg

cc:

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