#### STATE OF MICHIGAN

# STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES ADMINISTRATIVE HEARINGS FOR THE DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:



Reg No. 200930563 Issue No. 2009; 4031

Case No. Load No.

Hearing Date: September 3, 2009

Alpena County DHS

ADMINISTRATIVE LAW JUDGE: Carmen G. Fahie

## **HEARING DECISION**

This mat ter is before the undersigned Administr ative Law Judge pursuant to MCL 400.9; MSA 16.409 and MCL 400.37; MSA 16.437 upon the claimant's June 26, 2009 request for a hearing to protest the department's denial of the claimant's Medical Assistance and State Dis ability Assistance. After due notice, a telephone hearing was held on T hursday, September 3, 2009. The claimant personally appeared and testified with h is sister, and attorney

# <u>ISSUE</u>

Whether claimant meets the di sability criteria for Medica I Assistance (MA-P) and State Disability Assistance?

#### FINDINGS OF FACT

The Administrative Law Judge, based upon the competent, material, and substantia I evidence on the whole record, finds a material fact:

- 1. On January 16, 2009, claimant applied for MA-P and SDA without filing an application for retroactive MA-P.
- 2. Subsequent to the hearing, the Social Security Ad ministration determined that the claimant met the disab ility criteria for the S SI program with a disability onset date o
- This Administrative Law Judge finds that the claimant was approved through Social Sec urity Administration for SSI with a disability onset date of which entitles him to retroactive MA-P to May 2010. This Administrative Law J udge finds that the claimant was eligible for MA-P retroactive to January 2009 based on the objective medical evidence on the record.

### **CONCLUSIONS OF LAW**

The State Disability A ssistance (SDA) program which provides financial assistance for disabled persons is established by 2004 PA 344. The Department of Human Service s (DHS or department) admin isters the SDA program pursuant to MCL 400.10, et seq., and MAC R 400.3151-400.3180. Department polic ies are found in the Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

The Medic al Assistance (MA) program is est ablished by the Title XIX of the Socia I Security Act and is implemented by Title 42 of the Code of Federal Regulations (CFR). The Department of Human Services (formerly known as the Family Independ ence Agency) administers the MA program pursuant to MCL 400.10, et seq., and MCL 400.105. Department policies are found in the Brindges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Program Reference Manual (PRM).

Because of the Social Security Administration determination, it is not necess ary for the Administrative Law J udge to discuss the issue of disability. P EM, Item 260; PEM, Item 261.

The claimant is eligible for MA-P retroactive to January 2009 and SDA based on the claimant's January 16, 2009 application.

### **DECISION AND ORDER**

The Administrative Law Judge, based upon the above findings of fact and conclusion sof law decides that the claimant meets the definition of medical ly disabled under the Medical Assistance program retroactive to January 2009 and SDA based on the claimant's January 16, 2009 application.

Accordingly, if it has not already done so , the depar tment is ORDERED t o open an ongoing M edical Ass istance cas e for the clai mant effective the month of the SSI entitlement.

/s/

Carmen G. Fahie Administrative Law Judge For Maura D. Corrigan, Director Department of Human Services

Date Signed: January 31, 2011

Date Mailed: January 31, 2011

**NOTICE**: Administrative Hearings may order a rehearing or reconsideration on either its own motion or at the request of a party wit hin 30 days of the ma iling date of this Decision and Order. Administrative Hear ings will not orde r a rehearing or

#### 200930563/CGF

reconsideration on the Department's mo tion where the final decis ion 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 ti mely request for rehearing was made, within 30 days of the receipt date of the rehearing decision.

#### CGF/vc

