

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: 2008-25720
2009-30627

Issue No: 2009/4031

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Dates:

November 5, 2008

October 7, 2009

Gratiot 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, two in-person hearings were held. The first on November 5, 2008 and the second on October 7, 2009. Claimant personally appeared with his parents. At the first hearing, Eligibility Specialist [REDACTED] represented the department. At the second hearing, Family Independence Manager [REDACTED] represented the department.

ISSUE

Did the department properly determine claimant is not disabled by Medicaid (MA) and State Disability Assistance (SDA) eligibility standards?

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/SDA in his local Department of Human Services office on May 5, 2008, and again on October 27, 2008.

(2) The local office denied both these applications; consequently, the matters proceeded to hearings on November 5, 2008 (Register #2008-25720) and again on October 7, 2009 (Register #2009-30627), respectively.

(3) While both claimant's cases were open and pending, specifically, on October 29, 2009, he had a Social Security Administration disability hearing before [REDACTED]

[REDACTED]

(4) On December 28, 2009, the department's State Hearing Review Team (SHRT) submitted verification that this Social Security hearing was resolved in claimant's favor, with his disability onset established as of August 2005 (New Evidence).

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, the Social Security Administration's (SSA's) disability allowance received while claimant's appeals were pending conclusively establishes claimant is disabled and has been disabled at all times relevant to his May 5, 2008 and October 27, 2008 MA/retro-MA/SDA applications. As such, SHRT's verification must be upheld. Their previous denials of claimant's disputed applications can no longer stand.

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 and verified claimant's disability status.

Accordingly, SHRT's decision is AFFIRMED, and it is Ordered that claimant's disputed applications shall be processed with benefits awarded as long as he meets all of the other financial and non-financial requirements necessary to receive them. Furthermore, a medical review of claimant's condition is not necessary in lieu of the SSA allowance.

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

Date Signed: January 19, 2010

Date Mailed: January 20, 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.

MBM/db

cc:

