

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

IN THE MATTER OF:

[REDACTED]

Reg. No: 2009-33461

Issue No: 2009, 4031

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

October 22, 2009

Macomb County DHS

ADMINISTRATIVE LAW JUDGE: Landis Y. Lain

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 October 22, 2009. Claimant personally appeared and testified.

ISSUE

Did the Department of Human Services (the department) properly deny claimant's application for Medical Assistance (MA-P) and retroactive Medical Assistance (retro MA-P)?

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 23, 2009, claimant filed an application for Medical Assistance, and State Disability Assistance benefits alleging disability.
- (2) On June 2, 2009, the Medical Review Team denied claimant's application stating that claimant could perform prior work.
- (3) On June 6, 2009, the department caseworker sent claimant notice that her application was denied.
- (4) On June 18, 2009, claimant filed a request for a hearing to contest the department's negative action.

- (5) On September 2, 2009, the State Hearing Review Team again denied claimant's application and requested a complete independent physical consultative examination and updated treatment notes.
- (6) The hearing was held on October 22, 2009, at the hearing, claimant waived the time periods and requested to submit additional medical information.
- (7) On August 5, 2010, the Administrative Law Judge received a Social Security SOLQ which indicates that claimant receives \$ [REDACTED] per month in RSDI benefits.

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 Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Program Reference Manual (PRM).

Because of the Social Security Administration determination it is not necessary for this Administrative Law Judge to discuss the issue of disability. BEM, Item 260. The department is required to initiate a determination of claimant's financial eligibility for the requested benefits if not previously done.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that claimant meets the definition of medically disabled under the Medical Assistance and State Disability Assistance benefits as of the April 23, 2009, application date. Claimant has a disability onset date through the Social Security Administration of January 5, 2007.

Accordingly, the department's decision is REVERSED. The department is ORDERED to initiate a review of the April 23, 2009, application if it has not already done so to determine if all other non-medical eligibility criteria are met. The department shall inform the claimant of a determination in writing. A medical review shall be conducted in September 2011. At that time the department shall determine whether or not

