

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: 2009-3584

Issue No: 2009; 4031

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date: [REDACTED]

Kalamazoo 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 [REDACTED]. Claimant personally appeared and testified.

ISSUE

Whether claimant meets the disability criteria for Medical Assistance 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 May 21, 2008, claimant filed an application for Medical Assistance and State Disability Assistance benefits alleging disability.
- (2) On October 1, 2008, the Medical Review Team denied claimant's application stating that claimant impairments lack duration.

(3) On October 2, 2008, the department caseworker sent claimant notice that his application was denied.

(4) On October 17, 2008, claimant filed a request for a hearing to contest the department's negative action.

(5) On November 12, 2008, the State Hearing Review Team again denied claimant's application stating in its analysis and recommendation: That claimant has a long history of substance abuse. He was hospitalized in [REDACTED] due to cocaine dependence and substance induced mood disorder. Public Law 104-121 is cited due to the materiality of drug and alcohol abuse. The medical evidence of record does not document a mental/physical impairment that significantly limits the claimant's ability to perform basic work activities. Therefore, MA-P is denied per 20 CFR 416.921(a). Retroactive MA-P was considered in the case and is also denied. SDA is denied per PEM 261 due to lack of severity.

(6) The hearing was held on February 19, 2009. At the hearing, claimant waived the time periods and requested to submit additional medical information.

(7) On February 4, 2010, the department caseworker sent the Administrative Law Judge an SOLQ, which indicates that claimant was granted SSI by the Social Security Administration with a disability onset date of September 13, 2007.

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;. For purposes of State Disability Assistance 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 the claimant meets the definition of medically disabled under the Medical Assistance and the State Disability Assistance program as of the May 21, 2008 application date.

Accordingly, the department's decision is REVERSED. The department is ORDERED to initiate a review of the May 21, 2008 application if it has not already done so to determine if all other non-medical eligibility criteria are met for State Disability Assistance benefits. The department shall inform the claimant of the determination in writing. In addition, the department is ORDERED to open an ongoing medical assistance case for the claimant effective the month of the SSI entitlement. A DHS-43 is needed for this case.

/s/

Landis Y. Lain
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: April 8, 2010

Date Mailed: April 8, 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 mailing 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.

LYL/alc

cc:

