

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: 2009-361
Issue No: 2009; 4031
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
January 27, 2009
Wayne County DHS

ADMINISTRATIVE LAW JUDGE: Janice Spodarek

HEARING 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, a telephone hearing was held.

ISSUE

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

FINDINGS OF FACT

The Administrative Law Judge, based upon the competent, material and substantial evidence on the whole record, finds as material fact:

- (1) In July, 2008, claimant's MA-P and SDA cases were reviewed with the Michigan DHS.
- (2) There is no issue herein regarding retro MA.
- (3) On 7/17/08, MRT denied claimant as though claimant's case was a new application. At issue herein is a review case not a new application.
- (4) On 8/22/08, the DHS issued notice.

- (5) On 9/2/08, claimant filed a timely hearing request. The department reinstated the action pending the outcome of the hearing.
- (6) On 10/10/08, SHRT failed to apply the correct review standard and instead treated the issue as a new application.
- (7) At the conclusion of the hearing, the record was held open at claimant's request for the submission of additional medical records. Medical records were received and submitted to the State Hearing Review Team (SHRT), and on 2/11/2009, SHRT once again applied the incorrect standard.
- (8) Subsequent to the hearing, the Social Security Administration determined that the claimant met the disability criteria for the programs with a disability onset date of 1/1/2004.
- (9) On 9/7/2010, the undersigned Administrative Law Judge received an SOLQ SSA Response Report indicating claimant was approved disability benefits by SSA. Claimant's onset date is identified as 1/1/2004. The SOLQ code indicates that claimant was terminated.

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 7/17/08 review date, if otherwise eligible, and as permitted under policy and procedure.

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

It is noted that the verification from Social Security indicates that claimant is in a payment status code of: "T51" which indicates that claimant was terminated. The department is ordered to examine income and asset eligibility with regards to the termination date as indicated on the Social Security SOLQ. If necessary, the department is ordered to obtain any required verification(s).

/s/

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

Date Signed: September 28, 2010

Date Mailed: September 28, 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/sd

cc:

