

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: 2009-3724

Issue No: 2009/4031

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

February 19, 2009

St Clair 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, a telephone hearing was held on February 19, 2009. Claimant and his [REDACTED] representative personally appeared and testified.

ISSUE

Did the department properly determine claimant's disability status for Medicaid (MA)/retro-MA and State Disability Assistance (SDA) eligibility purposes?

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 September 5, 2008, claimant applied for disability assistance.

(2) The State Hearing Review Team (SHRT) maintained the local office's initial denial by a decision issued on November 14, 2008; consequently, the disputed issue proceeded to an appeal hearing held on February 19, 2009.

(3) At the hearing, the presiding Administrative Law Judge extended the record at claimant's request for submission of additional evidence.

(4) When received, this evidence was returned to SHRT for a post hearing review.

(5) On December 4, 2009, SHRT reversed its earlier denial of claimant's disputed application based on a finding that claimant was deemed disabled by the Social Security Administration (SSA) under their rules.

(6) SHRT approved MA/retro-MA/SDA starting in June 2008 and waived claimant's medical review requirement based on the SSA's approval.

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, SHRT reversed its earlier finding of lack of disability by written decision dated December 4, 2009. This Administrative Law Judge fully concurs with SHRT's finding. Claimant has been disabled at all times relevant to his September 5, 2008 application.

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 current disability status.

Accordingly, SHRT's decision is AFFIRMED, and it is Ordered that claimant's disputed application shall be processed with benefits awarded if claimant meets all the other financial and non-financial requirements necessary to receive them. A medical review of claimant's condition is not necessary in lieu of the SSA allowancae.

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

Date Signed: December 30, 2009

Date Mailed: December 30, 2009

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.

