

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

IN THE MATTER OF:



Reg. No: 20096785  
Issue No: 2009/4031  
Case No: [REDACTED]  
Hearing Date: March 25, 2009  
Muskegon County DHS

**ADMINISTRATIVE LAW JUDGE:** Janice G. Spodarek

**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 to protest the denial of claimant's application for Medical Assistance (MA) and State Medical Program (SDA). After due notice, a telephone hearing was held.

**ISSUE**

Did the DHS properly propose to close claimant's MA-P and 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. At all relevant times prior to the proposed negative action herein, claimant was a beneficiary of the MA and SDA programs with the Michigan DHS.
2. On November 7, 2008, MRT denied continuing eligibility.
3. On November 14, 2008, the department issued notice.
4. On November 14, 2008, claimant filed a timely hearing request.
5. The department reinstated the action pending the outcome of the hearing.
6. On January 5, 2009, SHRT denied claimant.

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 February 16, 2010, SHRT once again denied claimant.
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 April 1, 2004.
9. On November 5, 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 April 1, 2004. There are no months left for a substantive review in the case herein.

### **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).

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 is eligible for continuing MA and SDA at review.

According, the department is Ordered to claimant's benefits continuing provided claimant meets any nonmedical criteria as required under DHS policy and procedure.

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

/s/  
Janice G. Spodarek  
Administrative Law Judge  
for Maura D. Corrigan, Director  
Department of Human Services

Date Signed: March 25, 2010

Date Mailed: March 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.

JGS/db

cc:

