

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: 2009-11682
Issue No: 2009; 4031
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
May 6, 2009
Lapeer County DHS

ADMINISTRATIVE LAW JUDGE: Ivona Rairigh

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 May 6, 2009. Claimant personally appeared and testified.

ISSUE

Did the department properly determine that the claimant was no longer disabled for Medicaid (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. Claimant applied for MA on October 31, 2007, and was approved by department's Medical Review Team (MRT) for such assistance retroactive to July, 2007. The MRT set the medical review date for November, 2008.
2. Claimant subsequently applied for SDA in March, 2008 and was approved effective April, 2008.

3. New medical information was submitted to MRT at review. MRT then made the determination that the claimant no longer met the disability criteria for MA and SDA.

4. Department took action to terminate claimant's MA and SDA benefits effective December 4, 2008. Claimant requested a hearing and department deleted proposed negative action pending the outcome of the hearing.

5. On February 17, 2009, State Hearing Review Team (SHRT), treating claimant's case as an initial application, determined she did not meet disability criteria for MA and SDA due to lack of duration of her impairment(s).

6. Claimant presented additional medical evidence at the hearing, and this evidence was forwarded to SHRT for additional review and with a note that this was a review of ongoing MA and SDA benefits, not an additional application.

7. On May 19, 2009, SHRT determined that the claimant met the disability criteria for MA and SDA and approved her ongoing receipt of benefits.

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).

Based on SHRT determination, it is not necessary for the Administrative Law Judge to discuss the issue of disability, per Program Administrative Manual, Item 600.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the claimant continues to be disabled for MA and SDA eligibility purposes.

Accordingly, department is to:

1. Continue claimant's MA and SDA benefits without interruption, as long as she meets all other eligibility requirements (i.e. financial and non-financial factors).

2. Per SHRT approval instructions, medical review of claimant's benefits is to take place in May, 2012, at which time department is to request copies of hospitalizations, progress notes, and test reports from attending physicians and specialist. Department is to call the claimant for names, addresses and dates of treatment, and not to send a DHS-49.

SO ORDERED.

/s/ _____
Ivona Rairigh
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: May 27, 2009

Date Mailed: May 29, 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.

IR [REDACTED]

cc:

[REDACTED]