

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: 2009-16742
Issue No: 2009/4031
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
June 16, 2009
Ottawa 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, an in-person hearing was held on June 16, 2009. Claimant personally appeared and testified.

ISSUE

Did the department properly determine claimant's disability status 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) On December 29, 2008, the department's Medical Review Team (MRT) proposed termination of claimant's MA/SDA benefits based upon a finding of medical improvement at review.

(2) On February 10, 2009, the local office received a timely hearing request; consequently, this proposed negative action was deleted pending issuance of the Hearing Decision.

(3) Claimant's hearing was held on June 16, 2009, but the record was extended at claimant's advocate's request (his sister) to obtain updated medical records.

(4) When received, this new evidence was promptly forwarded to the department's State Hearing Review Team (SHRT) for a post hearing review.

(5) On December 29, 2009, SHRT reversed their previously proposed MA/SDA case closure based on a finding there was no significant medical improvement in claimant's physical and/or mental impairments; SHRT also set a review of claimant's condition for January 2017.

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 this case, the department, through SHRT, reversed its earlier decision upon consideration of updated medical evidence reviewed for the first time after the hearing. This Administrative Law Judge fully concurs with SHRT's current findings. As such, SHRT's action must be upheld.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides the SHRT decision dated December 29, 2009 is correct.

Accordingly, this decision is AFFIRMED with benefit continuation as specified, as long as claimant meets all of the other financial and non-financial requirements necessary to receive them. **SO ORDERED.**

/s/

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

Date Signed: January 13, 2010

Date Mailed: January 14, 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.

2009-16742/mbm

MBM/db

cc:

