

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: 2009-17516
Issue No: 2009; 4031
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
July 16, 2009
Menominee County DHS

ADMINISTRATIVE LAW JUDGE: Gary F. Heisler

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 July 16, 2009. Claimant personally appeared and testified.

ISSUES

- (1) Did the Department of Human Services properly determine that Claimant is not disabled and deny Claimant's application for Medical Assistance (MA) based on disability?
- (2) Did the Department of Human Services properly determine that Claimant is not disabled and deny Claimant's application for State Disability Assistance (SDA)?

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 January 8, 2007, Claimant was approved for Medical Assistance (MA) and State Disability Assistance (SDA) benefits. Claimant's benefits were to be reviewed in January, 2009.
2. On February 13, 2009, the Department's Medical Review Team determined that the claimant was no longer disabled for MA and SDA eligibility purposes.
3. On February 19, 2009, the Department sent the claimant a Notice of Case Action (DHS-1605) stating her State Disability Assistance (SDA) benefits would end March 3, 2009.
4. Claimant requested a hearing on February 24, 2009.
5. On April 12, 2009, the State Hearing Review Team (SHRT) also determined that the claimant was not disabled.
6. On May 2, 2009, the Department incorrectly sent Claimant another Notice of Case Action (DHS-1605) stating her State Disability Assistance (SDA) benefits would end May 14, 2009.
7. On May 7, 2009, Claimant submitted another request for hearing.
8. On July 16, 2009, this hearing was conducted. Claimant presented additional medical information following the hearing. This information was forwarded to SHRT for additional review.
9. On October 21, 2009, after reviewing the additional medical information, SHRT approved Medical Assistance (MA) based on disability and State Disability Assistance (SDA) 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).

In this case, and in accordance with Bridges Administration Manual 600, the State Hearing Review Team decision is final.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department erred in determining claimant is not disabled.

It is ORDERED that the actions of the Department of Human Services, in this matter, are REVERSED.

It is further ORDERED that the Department shall continue Claimant's disputed MA and SDA benefits. In accordance with the State Hearing Review Team decision dated October 21, 2009, Claimant's medical status shall be reviewed in October 2010.

/s/ _____
Gary F. Heisler
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: December 15, 2009

Date Mailed: December 21, 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.

GFH [REDACTED]

cc: [REDACTED]