

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

IN THE MATTER OF:

[REDACTED] 56

Reg. No: 200917599

Issue No: 4031

[REDACTED]
Oscoda 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. After due notice, a telephone hearing was held.

ISSUE

Did the Department of Human Services (DHS) properly propose to close claimant's State Disability Assistance (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. Prior to the proposed negative action herein, claimant was receiving SDA with the Michigan DHS.
2. There is no retro MA issue herein.
3. On February 17, 2009, the MRT denied continuing eligibility.
4. On February 20, 2009, the DHS issued notice.
5. On February 24, 2009, claimant filed a timely hearing request and the department reinstated the action pending the outcome of the hearing.
6. On September 23, 2010, Social Security gave claimant a partial favorable decision pursuant to a July 11, 2007 application.

7. On April 10, 2009, the State Hearing Review Team (SHRT) denied claimant. Pursuant to the claimant's request to hold the record open for the submission of new and additional medical documentation, on April 13, 2010 SHRT once again denied claimant. SHRT denied claimant for insufficient information. On April 23, 2010, the Administrative Law Judge issued an Interim Order Leaving Record Open for Insufficient Information. The order indicated that claimant's can be denied if claimant failed to respond to the Interim Order.
8. Pursuant to a review of the evidentiary packet and record, claimant failed to respond.

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).

Statutory authority for the SDA program states in part:

- (b) A person with a physical or mental impairment which meets federal SSI disability standards, except that the minimum duration of the disability shall be 90 days. Substance abuse alone is not defined as a basis for eligibility.

In order to receive MA benefits based upon disability or blindness, claimant must be disabled or blind as defined in Title XVI of the Social Security Act (20 CFR 416.901). DHS, being authorized to make such disability determinations, utilizes the SSI definition of disability when making medical decisions on MA applications. MA-P (disability), also is known as Medicaid, which is a program designated to help public assistance claimants pay their medical expenses. Michigan administers the federal Medicaid program. In assessing eligibility, Michigan utilizes the federal regulations.

Pursuant to the Interim Order Leaving Record Open for Insufficient Information, claimant was given a specific amount of time to reply with regards to the medical evidence

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requested by SHRT. While claimant was not required to comply, claimant was required to respond. Claimant failed to respond. Pursuant to 20 CFR 416.913, claimant is denied.

It is noted that claimant would in all likelihood be ineligible for SDA payments based upon a Social Security approval due to excess income.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department's proposed closure of claimant's SDA was correct at review pursuant to 20 CFR 416.913.

Accordingly, the department's proposed closure in this matter is hereby UPHELD.

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

Date Signed: April 15, 2011

Date Mailed: April 15, 2011

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 mailing date of the rehearing decision.

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