

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: 2009-2061
Issue No: 2009/4031
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
December 23, 2008
Livingston 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, a telephone hearing was held on December 23, 2008. 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 July 15, 2008, claimant applied for MA/SDA.
- (2) On August 28, 2008, the department sent claimant a denial notice.
- (3) Claimant promptly requested a hearing, held on December 23, 2008.

(4) At the hearing, a record extension was granted for submission of updated medical evidence (Client Exhibit A and B).

(5) This medical evidence was forwarded to the department's State Hearing Review Team (SHRT) for a post-hearing review.

(6) On October 13, 2009, SHRT reversed its earlier denial of claimant's disputed application based on a finding that the Social Security Administration (SSA) deemed claimant disabled under their rules with onset established as of April 2008.

(7) SHRT also stated: "No medical review is necessary due to the SSA allowance."

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 the present case, the department, through SHRT, properly determined claimant was disabled at all times relevant to her July 15, 2008 MA/SDA application, and also, properly

recommended benefit approval retroactive to April 2008, as long as all other eligibility criteria is met.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides the department, through SHRT, properly determined claimant was disabled for MA/retro-MA/SDA eligibility purposes at all times relevant to her July 15, 2008 application.

Accordingly, the department's action is AFFIRMED, and this case is returned to the local office for application reinstatement and processing with benefits awarded if claimant meets all of the other financial and non-financial requirements necessary to receive them. Additionally, no review of claimant's condition is necessary as long as her SSA approval continues. **SO**

ORDERED.

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

Date Signed: October 20, 2009

Date Mailed: October 22, 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 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.

2009-2061/mbm

MBM/db

cc:

