

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: 2009-27203

Issue No: 2009/4031

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

August 12, 2009

Ogemaw 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 August 12, 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 March 17, 2009, claimant applied for MA/SDA.
- (2) On April 13, 2009, the department sent claimant a denial notice.
- (3) Claimant promptly requested a hearing which was held on August 12, 2009.

(4) At the hearing, the record was extended for submission of updated medical evidence (Client Exhibit A).

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

(6) On October 12, 2009, SHRT reversed its earlier finding of lack of disability based on a federal determination that claimant is disabled, with onset as of February 2009.

(7) SHRT also noted that claimant's case should be reviewed in October 2010 to determine she is still in federal disability payment status.

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, SHRT reversed the department's earlier finding of lack of disability based on federal disability status retroactive to February 2008. This Administrative Law Judge

fully concurs with SHRT's finding of disability and onset date (February 2009). As such, the department's denial of claimant's March 17, 2009 MA/SDA application must be reversed.

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's disability status upon reconsideration of the case at post-hearing review.

Accordingly, the department's decision is AFFIRMED, and claimant's disputed application shall be processed with benefits awarded retroactive to February 2009 if claimant meets all of the other requirements necessary to receive them. Additionally, a financial review of claimant's disability payments shall be undertaken in October 2010, as suggested by SHRT. A medical review of claimant's condition is not necessary as long as her disability status 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.

2009-27203/mbm

MBM/db

cc:

