

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: 2009-28503
Issue No: 2009; 4031
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
August 20, 2009
Kalamazoo 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 August 20, 2009. Claimant is deceased and did not appear. Claimant's authorized hearing representative appeared.

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 May 14, 2008, Claimant submitted an application for Medical Assistance (MA) and State Disability Assistance (SDA).

2. On January 4, 2009, Claimant died.
3. On February 9, 2009, the Department's Medical Review Team determined that the claimant was not disabled for MA and SDA eligibility purposes.
4. On March 3, 2009, the Department sent the claimant an Application Eligibility Notice denying his MA and SDA application.
5. On May 29, 2009, Claimant's authorized hearing representative requested a hearing.
6. On July 22, 2009, the Department's State Hearing Review Team (SHRT) denied based on insufficient evidence and requested Claimant's legal death certificate.
7. At the hearing Claimant's authorized hearing representative presented the death certificate. The additional evidence was forwarded to SHRT for additional review.
8. On September 2, 2009, the State Hearing Review Team determined that Claimant is disabled and approved Claimant for State Disability Assistance (SDA), Medical Assistance (MA), and retroactive Medical Assistance (MA) beginning in April 2008. The SHRT determination reverses the decision of the MRT and approves all the client's claims of disability for the time periods claimed.

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).

Because of the SHRT determination, it is not necessary for the Administrative Law Judge to discuss the issue of disability. Program Administrative Manual, Item 600 states the SHRT decision is final only if it reverses the decision of the MRT and approves all the client's claims of disability/blindness for the time periods claimed.

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 process claimant's disputed MA and SDA application and issue him any benefits he was entitled to but did not receive, based on the May 14, 2008, application date, if he is otherwise eligible to receive them .

(i.e. meets all of the other required eligibility criteria including completion of a repayment agreement for SDA benefits from any SSA benefits he is approved for the same period of time).

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

Date Signed: September 21, 2009

Date Mailed: September 23, 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 

cc:

