

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.: 2009-29114

Issue No.: 2009/4031

Case No.: [REDACTED]

Load No.: [REDACTED]

Hearing Date:

October 28, 2009

Wayne County DHS (19)

ADMINISTRATIVE LAW JUDGE: Colleen M. Mamelka

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon the Claimant's request for a hearing. After due notice, a telephone hearing was conducted from Detroit, Michigan on Tuesday, September 8, 2009. The Claimant appeared and testified. The Claimant was represented by [REDACTED] of [REDACTED]. [REDACTED] appeared on behalf of the Department.

At the Claimant's request, the record was extended to allow for the submission of additional medical documentation. On December 2, 2009, the Claimant's authorized representative submitted a fully favorable Social Security Administration determination which covered the relevant time period pursued.

ISSUE

Whether the Department properly determined that the Claimant was not disabled for purposes of Medical Assistance ("MA-P") and State Disability Assistance ("SDA") programs?

FINDINGS OF FACT

The Administrative Law Judge, based on the competent, material and substantial evidence on the whole record, finds as material fact:

1. The Claimant submitted public assistance applications seeking MA-P and SDA on February 24, 2009.
2. On March 31, 2009, the Medical Review Team (“MRT”) deferred the disability determination requesting two consultative examinations.
3. On August 15, 2008, the Claimant attended a mental status evaluation which was submitted to the MRT for consideration.
4. On August 23, 2008, the Claimant attended a physical examination which was provided to the MRT for consideration.
5. On April 30, 2009, the MRT determined the Claimant was not disabled.
6. On May 8, 2009, the Department sent the Claimant an eligibility notice informing the Claimant that her MA-P and SDA benefits were denied.
7. On May 28, 2009, the Department received the Claimant’s written Hearing Request protesting the MRT’s determination.
8. On July 21, 2009, the State Hearing Review Team (“SHRT”) found the Claimant not disabled. (Exhibit 4)
9. On December 2, 2009, the Claimant’s representative submitted a fully favorable Social Security Administration determination finding the Claimant disabled since April 13, 2006.

CONCLUSIONS OF LAW

The Medical Assistance (“MA”) program is established by Subchapter XIX of Chapter 7 of The Public Health & Welfare Act, 42 USC 1397, and is administered by the Department of Human Services (“DHS”), formally known as the Family Independence Agency, 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, was established by 2004 PA 344. DHS administers the SDA program pursuant to MCL 400.10 *et seq.* and Michigan Administrative Code (“MAC R”) 400.3151 – 400.3180. Department policies are found in PAM, PEM, and PRM. A person is considered disabled for SDA purposes if the person has a physical or mental impairment which meets federal SSI disability standards for at least ninety days. Receipt of SSI or RSDI benefits based on disability or blindness, or the receipt of MA benefits based on disability or blindness (MA-P) automatically qualifies an individual as disabled for purposes of the SDA program.

A previously denied MA application is treated as a pending application when MRT determined the Claimant was not disabled, and subsequently, the Social Security Administration (“SSA”) determines that the Claimant is entitled to RSDI based on his disability/blindness for some, or all, of the time covered by the denied MA application, provided the Department is informed of the approval within 90 days of the date of the MA denial notice. PEM 260 All eligibility factors must be met for each month MA is authorized. PEM 260

Ultimately, because of the Social Security Administration determination, it is not necessary for the Administrative Law Judge to discuss the issue of disability pursuant to PEM 260.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that the Claimant meets the definition of medically disabled under the MA-P program.

Accordingly, it is ORDERED:

1. The Department shall open (if not previously done so) an ongoing Medical Assistance case based on the Claimant's February 24, 2009 application.
2. The Department shall supplement the Claimant for any lost benefits she was otherwise eligible and qualified to receive in accordance with Department policy.

Colleen M. Mamelka

Colleen M. Mamelka
Administrative Law Judge
For Ishmael Ahmed, Director
Department of Human Services

Date Signed: 12/17/09

Date Mailed: 12/17/09

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.

CMM/jlg

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