

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: 2009-30036
Issue No: 2009/4031
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
September 9, 2009
Ingham 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, an in-person hearing was held on September 9, 2009. Claimant personally appeared and testified. She was assisted by [REDACTED]

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 November 13, 2008, claimant applied for MA/retro-MA.
- (2) When this application was denied claimant, through her authorized representative, filed a hearing request dated June 3, 2009.

(3) Claimant's hearing was held on September 9, 2009.

(4) At hearing, the department's witness verified that their Medical Review Team (MRT) subsequently approved MA/retro-MA back to August 2008, and also, MRT approved SDA in accordance with BEM Item 261 (Department Exhibit #3, pgs 1 and 2).

(5) When this verifying document was provided to the department's State Hearing Review Team (SHRT) for a post-hearing review, SHRT approved the local office's grant of disability status retroactive to August 2008 and set a medical review of claimant's condition identical to MRT's proposed review date, that being August 2012.

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 through their written decision dated February 23, 2010. This Administrative Law Judge fully concurs with SHRT's approval. The new evidence reviewed post-hearing conclusively

establishes claimant is currently disabled, and has been disabled at all times relevant to her November 13, 2008 MA/retro-MA application. SHRT also approved SDA in accordance with BEM Item 261.

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 consideration of additional evidence reviewed for the first time after the hearing.

Accordingly, SHRT's decision is AFFIRMED, and claimant's disputed MA/retro-MA application shall be processed with benefits awarded if claimant meets all the other financial and non-financial requirements necessary to receive them. SDA is also approved per policy.

Additionally, the local office shall conduct a review of claimant's condition in August 2012, unless verification of claimant's Social Security disability status is received by then. **SO**

ORDERED.

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

Date Signed: March 2, 2010

Date Mailed: March 3, 2010

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.

2009-30036/mbm

MBM/db

cc:

