

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:



Reg. No: 2009-33461
Issue No: 2009, 4031
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
October 22, 2009
Macomb County DHS

ADMINISTRATIVE LAW JUDGE: Landis Y. Lain

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 October 22, 2009. Claimant personally appeared and testified.

ISSUE

Did the Department of Human Services (the department) properly deny claimant's application for Medical Assistance (MA-P) and retroactive Medical Assistance (retro MA-P)?

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 April 23, 2009, claimant filed an application for Medical Assistance, and State Disability Assistance benefits alleging disability.
- (2) On June 2, 2009, the Medical Review Team denied claimant's application stating that claimant could perform prior work.
- (3) On June 6, 2009, the department caseworker sent claimant notice that her application was denied.
- (4) On June 18, 2009, claimant filed a request for a hearing to contest the department's negative action.

- (5) On September 2, 2009, the State Hearing Review Team again denied claimant's application and requested a complete independent physical consultative examination and updated treatment notes.
- (6) The hearing was held on October 22, 2009, at the hearing, claimant waived the time periods and requested to submit additional medical information.
- (7) On August 5, 2010, the Administrative Law Judge received a Social Security SOLQ which indicates that claimant receives \$ [REDACTED] per month in RSDI benefits.

CONCLUSIONS OF LAW

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).

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 Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Program Reference Manual (PRM).

Because of the Social Security Administration determination it is not necessary for this Administrative Law Judge to discuss the issue of disability. BEM, Item 260. The department is required to initiate a determination of claimant's financial eligibility for the requested benefits if not previously done.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that claimant meets the definition of medically disabled under the Medical Assistance and State Disability Assistance benefits as of the April 23, 2009, application date. Claimant has a disability onset date through the Social Security Administration of January 5, 2007.

Accordingly, the department's decision is REVERSED. The department is ORDERED to initiate a review of the April 23, 2009, application if it has not already done so to determine if all other non-medical eligibility criteria are met. The department shall inform the claimant of a determination in writing. A medical review shall be conducted in September 2011. At that time the department shall determine whether or not

claimant continues to be eligible for RSDI through the Social Security Administration. If Claimant continues to be eligible for RSDI then no medical review is required. If claimant is no longer in payment status or no longer considered to be eligible for RSDI, the department shall conduct a medical review and claimant should be assisted and provided a complete medical and mental update for purposes of medical review.

Landis /s/ _____
Y. Lain
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: August 20, 2010

Date Mailed: August 23, 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 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.

LYL/alc

cc:

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