

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: 2009-37216
Issue No: 2009/4031
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
November 3, 2009
Genesee 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 November 3, 2009. Claimant personally appeared and testified. He 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 February 17, 2009, claimant's authorized representative filed an MA/retro-MA/SDA application on claimant's behalf.
- (2) On March 31, 2009, that application was denied.

(3) Claimant's authorized representative promptly requested a hearing, held November 3, 2009.

(4) At the hearing a record extension was granted at claimant's authorized representative's request for submission of updated medical evidence (Client Exhibit A, pgs 1-218).

(5) This evidence was submitted to the department's State Hearing Review Team (SHRT) for a post-hearing review on November 4, 2009.

(6) On November 5, 2009, SHRT reversed its earlier denial of claimant's February 17, 2009 application finding his disability onset occurred in January 2009.

(7) This onset date is consistent with the only remaining uncovered eligibility period sought by claimant's authorized representative (January and February 2009).

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's reversal of claimant's disputed application was appropriate and completely consistent with the new medical evidence submitted. As such, claimant's MA/retro-MA/SDA application shall be approved beginning in January 2009, as requested by claimant's authorized representative at hearing.

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 medical evidence reviewed for the first time after the hearing.

Accordingly, the department's decision is AFFIRMED, and it is Ordered that claimant's disputed application shall be processed with benefits awarded if claimant meets all of the other financial and non-financial requirements necessary to receive them. Furthermore, the department shall conduct a review of claimant's condition in February 2011, as specified in the SHRT approval dated November 5, 2009.

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

Date Signed: November 10, 2009

Date Mailed: November 16, 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.

2009-37216/mbm

MBM/db

cc:

