

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

IN THE MATTER OF:



Reg No. 201010680
Issue No. 2009/4031
Case No. [REDACTED]
Load No. [REDACTED]
Hearing Date: January 14, 2010
Bay County DHS

ADMINISTRATIVE LAW JUDGE: Marya A. Nelson-Davis

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 held on January 14, 2010. Claimant was represented by [REDACTED].

ISSUE

Does claimant meet the disability standard for Medical Assistance based on disability (MA-P) and State Disability Assistance (SDA) benefits?

FINDINGS OF FACT

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

1. On February 26, 2009, the Department of Human Services (Department) received claimant's application for MA-P, retro MA-P, and SDA benefits.
2. On July 14, 2009, the Medical Review Team (MRT) determined that claimant did not meet the disability standard for MA-P and SDA benefits.
3. On July 14, 2009, the department sent claimant written notice that he was denied MA-P and SDA benefits.

4. On October 12, 2009, the department received claimant's hearing request, protesting the denial of MA-P and SDA benefits.
5. The State Hearing Review Team (SHRT) upheld the denial of MA-P and SDA benefits.
6. Claimant has a history of chronic back problems and Crohn's disease.
7. On February 18, 2009, claimant filed a Supplemental Security Income (SSI) claim.
8. The Social Security Administration (SSA) approved claimant for Supplemental Security Income (SSI) and determined that claimant met the SSI criteria beginning March 2009.

CONCLUSIONS OF LAW

The Medical Assistance (MA) program is established by the 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 (formerly known as the Family Independence Agency) 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).

The State Disability Assistance (SDA) program which provides financial assistance for disabled persons is established by 2001 PA 82. The Family Independence Agency (FIA or agency) administers the SDA program pursuant to MCL 400.10, *et seq.*, and MAC R 400.3151-400.3180. Agency policies are found in the Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

Current legislative amendments to the Act delineate eligibility criteria as implemented by agency policy set forth in program manuals. 2000 PA 294, Sec. 604, of the statute states:

Sec. 604 (1) The department shall operate a state disability assistance program. Except as provided in subsection (3), persons eligible for this program shall include needy citizens of the United States or aliens exempt from the Supplemental Security Income citizenship requirement who are at least 18 years of age or emancipated minors meeting one or more of the following requirements:

- (b) A person with a physical or mental impairment which meets federal SSI disability standards, except that the minimum duration of the disability shall be 90 days. Substance abuse alone is not defined as a basis for eligibility.

According to the SSA disability determination, claimant meets the MA-P and SDA disability standard effective March 2009. Retro MA coverage is available back to the first day of the third calendar month prior to entitlement to SSI. (BEM 260) Because of the SSA determination, it is not necessary for the Administrative Law Judge to discuss the issue of disability (See BEM Items 260 and 261)

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that claimant has met the definition of medically disabled under the MA-P and SDA program beginning March 2009.

Accordingly, the department's MA-P and SDA eligibility decision is REVERSED. It is further ORDERED that, if it has not already done so, the department shall determine whether claimant was otherwise eligible for MA, retro MA, and SDA benefits based on an application date of February 26, 2009.

_____/S/_____
Marya A. Nelson-Davis
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: December 6, 2010

Date Mailed: December 6, 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.

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MAND/ db

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