

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: 2010-23004

Issue No: 2009; 4031

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date: [REDACTED]

[REDACTED]
Kent 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 March 25, 2010. Before the claimant was placed on the record, it was determined that claimant had been approved for Social Security Administration benefits.

ISSUE

Whether claimant meets the disability criteria for Medical Assistance, Retroactive Medical Assistance or State Disability Assistance benefits?

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 September 25, 2009, claimant filed an application for State Disability Assistance benefits alleging disability.

(2) The file also indicates that claimant filed for Medical Assistance and Retroactive Medical Assistance benefits.

(3) On December 11, 2009, the medical review team denied claimant's application stating that claimant's impairments were non-exertional.

(4) On December 16, 2009, the department caseworker sent claimant notice that his application was denied.

(5) On January 26, 2010, claimant filed a request for a hearing to contest the department's negative action.

(6) On March 8, 2010, the State Hearing Review Team requested additional medical information stating that it had insufficient information. The State Hearing Review Team requested a psychiatric evaluation.

(7) An SOLQ in the file indicates that claimant was approved for Social Security Administration benefits, RSDI, as of February 1, 2009 with a disability onset date of [REDACTED]

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 Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

Because of the Social Security Administration determination it is not necessary for Administrative Law Judge to discuss the issue of disability. PEM, 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 the claimant meets the definition of medically disabled under the Medical Assistance and the State Disability Assistance program as of the September 25, 2009 application date. Claimant also meets the definition of disability for purposes of the Medical Assistance program for the purposed of Retroactive Medical Assistance application.

Accordingly, the department's decision is REVERSED. The department is ORDERED to initiate a review of the September 25, 2009 Medical Assistance and State Disability Assistance application and Retroactive Medical application if it has not already done so, to determine if all other non-medical eligibilty criteria are met. The department shall inform the claimant of the determination in writing. In addition, a medical review shall be conducted in March of 2011 to determine if claimant is still eligible to receive Social Security Administration benefits. If claimant is no longer eligible for Social Security Administration benefits the department holds this claimant in gathering updated medical information for purposes of Medical Assistance determination. A DHS-43 is needed for this case.

/s/

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

Date Signed: April 8, 2010

Date Mailed: April 8, 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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