

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

IN THE MATTER OF:



Reg No. 201023716
Issue No. 2009; 4031
Case No. [REDACTED]
Load No. [REDACTED]
Hearing Date: June 24, 2010
Allegan County DHS

ADMINISTRATIVE LAW JUDGE: Carmen G. Fahie

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 Thursday, June 24, 2010. The claimant personally appeared and testified with his fiancé', [REDACTED] as a witness.

ISSUE

Did the department properly deny the claimant's Medical Assistance (MA-P) and State Disability Assistance (SDA) application because the claimant stated that he was not disabled, under 21, or the caretaker of a minor child?

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 June 29, 2009, the claimant applied for MA-P and SDA.
2. On September 15, 2009, the department caseworker sent the claimant a denial notice stating that the claimant is not a dependent child, caretaker relative of a dependent child, not pregnant, not aged, or not disabled, or a refugee nor does he have any qualifying relationship to other household members.
3. On November 25, 2009, the department received a hearing request from the claimant, contesting the department's action.

4. The parties have reached an agreed upon settlement. The department agrees to redetermine the claimant's eligibility for MA-P and SDA benefits because he has been approved by the Social Security Administration for RSDI and SSI with a disability onset date of October 2008.

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 (formerly known as the Family Independence Agency) administers the SDA program pursuant to MCL 400.10 *et seq.*, and MAC 4 400.3151-400.3180. 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).

In the present case, the department agrees to redetermine the claimant's eligibility for MA-P and SDA benefits because he has been approved by the Social Security Administration for RSDI and SSI with a disability onset date of October 2008. If the claimant does not agree with the determination, he may file another request for a hearing.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the parties have reached an agreed upon settlement.

The department is **ORDERED** to determine the claimant's eligibility for MA-P and SDA based on his Social Security Administration approval for SSI and RSDI benefits with a disability onset date of October 2008, if it has not already done so.

/s/ _____
Carmen G. Fahie
Administrative Law Judge
For Ismael Ahmed, Director
Department of Human Services

Date Signed: July 27, 2010

Date Mailed: July 27, 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.

CGF/vc

cc:

