

STATE OF MICHIGAN
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:



Reg. No: 201032154
Issue No: 4031
[Redacted]
Hearing Date:
May 19, 2010
Genesee 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 May 19, 2010.

This hearing was originally held by Administrative Law Judge Marlene B. Magyar. Judge Magyar is no longer affiliated with the Michigan Administrative Hearing System Administrative Hearings for the Department of Human Services and this hearing decision was completed by Administrative Law Judge Landis Y. Lain by considering the entire record.

ISSUE

Did the Department of Human Services (the department) properly deny claimant's application for State Disability Assistance (SDA)?

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 July 2, 2009, claimant filed an application for Medical Assistance, retroactive Medical Assistance and State Disability Assistance benefits alleging disability.

2. On August 13, 2009, the Medical Review Team approved claimant for State Disability Assistance benefits but denied the Medical Assistance and retroactive Medical Assistance benefits stating that claimant's impairments lacked duration.
3. Claimant did not file a request for a hearing on the denial of the Medical Assistance and retroactive Medical Assistance.
4. Claimant's case was scheduled for review in November 2009.
5. On March 25, 2010, the Medical Review Team denied claimant's continued State Disability Assistance.
6. On April 5, 2010, the department caseworker sent claimant notice that his continued State Disability Assistance would be cancelled effective April 5, 2010.
7. On April 16, 2010, claimant filed a request for hearing to contest the department's negative action.
8. On October 18, 2010, the Social Security Administration issued a fully favorable decision granting SSI.

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 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 the 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. The Social Security Administration has established the disability onset date of July 20, 2009.

DECISION AND ORDER

The Administrative Law Judge based upon the above Findings of Fact and Conclusion of Law, decides that the claimant meets the definition of medically disabled under the Medical Assistance Program and the State Disability Assistance Program as of the July 2, 2009 application date.

Accordingly, the department's decision is REVERSED. The department is ORDERED to initiate a review of the July 2, 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 its determination in writing. The department is also ORDERED to open an ongoing Medical Assistance case for claimant effective the month of SSI entitlement.

/s/
Landis Y. Lain
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: June 1, 2011

Date Mailed: June 1, 2011

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/db

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