

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

IN THE MATTER OF:



Reg. No: 201032834

Issue No: 2009/4031



Hearing Date

June 8, 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 June 8, 2010. Claimant personally appeared and testified.

This hearing was originally held by Administrative Law Judge Jana Bachman. Judge Bachman is no longer affiliated with the State Office of Administrative Hearings and Rules Department of Human Services and this hearing decision was completed by Administrative Law Judge Landis Y. Lain by considering the entire record.

ISSUE

Whether claimant meets the disability criteria for Medical Assistance (MA-P), retroactive Medical Assistance (retro Ma-P) and 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. Claimant was receiving State Disability Assistance benefits and was scheduled for a redetermination in November 2009.

2. On March 24, 2010, claimant filed an application for Medical Assistance benefits alleging disability.
3. On February 2, 2010, the Medical Review Team (MRT) denied claimant's application stating that claimant had medical improvement.
4. On April 10, 2010, the department caseworker sent claimant notice that his Medical Assistance and State Disability Assistance benefits would be cancelled.
5. On April 20, 2010, claimant filed a request for a hearing to contest the department's negative action.
6. On May 17, 2010, the State Hearing Review Team (SHRT) indicated that it had insufficient evidence and needed a new updated treating source information from March 2010 to current.
7. The hearing was held on June 8, 2010. At the hearing, time waived the time periods and requested to submit additional medical information.
8. Additional medical information was submitted and sent to the State Hearing Review Team (SHRT).
9. On July 6, 2010, the State Hearing Review Team (SHRT) again denied claimant's application stating in its analysis and recommendation: The claimant had a PET/CT scan in March 2010 which was highly suspicious for metastatic disease. Additional information was suggested to assess the severity of claimant's impairments.
10. Additional medical information was received and sent to the State Hearing Review Team (SHRT) on March 16, 2011.
11. On March 29, 2011, the State Hearing Review Team (SHRT) approved claimant stating that the Social Security Administration Administrative Law Judge made a fully favorable decision November 24, 2010 with an established disability onset date of June 1, 2008. This case was found to meet a listing level criteria for Listing 13.18C. The SSA review date is set for December 2013. Therefore, continued Medical Assistance is approved. Continued SDA is approved per PAM 261. No medical review is necessary due to the SSA allowance.

CONCLUSIONS OF LAW

The regulations governing the hearing and appeal process for applicants and recipients of public assistance in Michigan are found in the Michigan Administrative Code, MAC R 400.901-400.951. An opportunity for a hearing shall be granted to an applicant who

requests a hearing because his or her claim for assistance has been denied. MAC R 400.903(1). Clients have the right to contest a department decision affecting eligibility or benefit levels whenever it is believed that the decision is incorrect. The department will provide an administrative hearing to review the decision and determine the appropriateness of that decision. BAM 600.

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 (BAM), the Program Eligibility Manual (BEM) 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 (BAM), the Program Eligibility Manual (BEM) and the Program Reference Manual (PRM).

Because of the Social Security determination is not necessary for the Administrative Law Judge to discuss the issue of disability. BEM, Item 260. The department is required to initiate a determination of claimant's financial eligibility for the requested benefit 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 State Disability Assistance programs as of November 30, 2009 Medical Assistance application and continued to be eligible for State Disability Assistance benefits at all times relevant to this case.

Accordingly, the department's decision is REVERSED. The department is ORDERED to initiate a review of the claimant's Medical Assistance and State Disability Assistance application it has not already done so to determine if all other non-medical eligibility criteria are met. The department shall inform the claimant of the determination in writing.

The department is ORDERED to determine whether or not claimant is receiving RSDI or SSI benefits. If claimant is receiving SSI benefits, the department is ORDERED to open an ongoing Medical Assistance case for claimant effective the month of SSI entitlement.

If claimant is receiving RSDI benefits, the department is ORDERED to open an ongoing Medical Assistance case if claimant is otherwise eligible for Medical Assistance benefits from the date of March 24, 2010 forward and the three months prior to application date for retroactive Medical Assistance application if there is a retroactive Medical Assistance application.

/s/

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

Date Signed: April 5, 2011

Date Mailed: April 5, 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.

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