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

IN THE MATTER OF:



Reg No.2010-33926Issue No.2009Case No.1000Hearing Date:October 5, 2010Macomb #20 County DHS

ADMINISTRATIVE LAW JUDGE: Carmen G. Fahie

HEARING DECISION

This matter is before the undersigned Administrative Law J udge pursuant to MCL 400.9; MSA 16.409 and MCL 400.37; MSA 16. 437 upon claimant's April 29, 2010 request for a hearing to protest the department 's denial of Medical Ass istance(MA-P) and retroactive MA-P. After due notic e, a telephone hearing was held Tuesday , October 5, 2010. The claimant personally appeared and testified on her own beha If with her sister, **Mathematical Assister**, Claimant's sister's and husband, **Mathematical Assister**.

<u>ISSUE</u>

Whether the claimant meets the disability criteria for MA-P and retroactive MA-P?

FINDINGS OF FACT

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

- 1. On March 11, 2010, t he claimant applie d for MA-P with re troactive MA-P to December 2009.
- At the conclusion of the hearing, the record was held open at claimant 's request for the submission of additional m edical records. Medical records were received and s ubmitted to the St ate Hearing Review Team (SHRT). SHRT approved claimant's claim of disability on March 27, 2012.

Therefore, based on the clai mant's vocational profile (advanced aged individual, limite d education and history no reported relevant wor k) MA-P is approved using Voc ational Rule 202.01 as a guide. Retroactive MA-P was considered in this cas e and is also approved effective December 2009. Medical review is required in March 2013. Please obtain updated applic ation, prior m edical file, and a complete physical examination.

CONCLUSIONS OF LAW

The State Disability A ssistance (SDA) program which provides financial assistance for disabled persons is established by 2004 PA 344. The Department of Human Service s (DHS or department) admin isters the SDA program pursuant to MCL 400.10, *et seq.*, and MAC R 400.3151-400.3180. Department polic ies are found in the Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

The Medic al Assistance (MA) program is est ablished by the Title XIX of the Socia I 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 Independ ence Agency) administers the MA pr ogram pursuant to MCL 400.10, *et seq*., and MC L 400.105. Department polic ies are found in the Bri dges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Program Reference Manual (PRM).

Because of the SHRT determination, it is not necessary for the Administrative Law Judge to discuss the issue of disability, per Program Administrative Manual, Item 600.

The department is required to initiate a determination of claimant's financial eligibility for the requested benefits, if not previously done. The cl aimant is eligible for MA-P retroactive to December 2009 with a medical review required March 2013.

DECISION AND ORDER

The Administrative Law Judge, based upon t he above findings of fact and conclusion s of law decides that the claimant meets the definition of medica Ily disabled under the MA-P retroactive to December 2009 with a medical review required March 2013.

Accordingly, the department is ORDERED to initiate a review of the March 11, 2010 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 the determination in writing.

/s/

Carmen G. Fahie Administrative Law Judge For Maura D. Corrigan, Director Department of Human Services

Date Signed: April 9, 2012

Date Mailed: April 9, 2012

NOTICE: Administrative Hearings may order a rehearing or reconsideration on either its own motion or at the request of a party wit hin 30 days of the ma iling date of this Decision and Order. Administrative Hear ings will not orde r a rehearing or reconsideration on the Department's mo tion where the final decis ion 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/ds

