

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

IN THE MATTER OF:

[REDACTED]

Reg No. 201050759
Issue No. 2009; 4031
Case No. [REDACTED]
Load No. [REDACTED]
Hearing Date: October 6, 2010
Sanilac County DHS

ADMINISTRATIVE LAW JUDGE: Carmen G. Fahie

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9; MSA 16.409 and MCL 400.37; MSA 16.437 upon claimant's August 3, 2010 request for a hearing to protest the department's denial of the claimant's Medical Assistance and State Disability Assistance. After due notice, a telephone hearing was held on Wednesday, October 6, 2010. The claimant personally appeared and testified

ISSUE

Whether claimant meets the disability criteria for Medical Assistance (MA-P) and State Disability Assistance?

FINDINGS OF FACT

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

1. On March 20, 2010, claimant applied for MA-P and SDA without filing an application for retroactive MA-P.
2. At the conclusion of the hearing, the record was held open at claimant's request for the submission of additional medical records. Medical records were received and submitted to the State Hearing Review Team (SHRT). SHRT approved claimant's claim of disability on [REDACTED].

The claimant is 61 years old and alleges disability due to arthritis and fibromyalgia. She has a limited education and a history of working as a cashier and bank clerk.

The Social Security ALJ approved this claimant for Social Security and SSI disability benefits in December 2010. Therefore, MA-P/retroactive MA-P is approved effective December 2009 where SDA is approved per PEM 261.

3. At the medical review in December 2011, please check to see if the claimant is in current payment status or not. If the claimant is in current payment status at the medical review, no further action will be necessary. However, if the claimant is not in current payment status at the medical review, please obtain updated application forms (DHS-49 forms) and obtain updated medical records.

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 the 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 (formerly known as the Family Independence Agency) administers the MA program pursuant to MCL 400.10, *et seq.*, and MCL 400.105. Department policies are found in the Bridges 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 claimant is eligible for MA-P retroactive to December 2009 and SDA based on the claimant's March 20, 2010 application with a medical review required December 2011 if not in current payment status.

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 program retroactive to December 2009 and State Disability Assistance based on the claimant's March 20, 2010 application with a medical review required December 2011 if not in current payment status.

Accordingly, if it has not already done so, the department is ORDERED to open an ongoing Medical Assistance case for the claimant effective the month of the SSI entitlement.

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

Date Signed: January 3, 2011

Date Mailed: January 4, 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.

CGF/vc

cc:

