

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: 201053912
Issue No: 2009; 4031
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date: November 24, 2010
Ogemaw County DHS

ADMINISTRATIVE LAW JUDGE: Janice Spodarek

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 claimant's request for a hearing. After due notice, a telephone hearing was held on November 24, 2010. Claimant was represented at the administrative hearing by [REDACTED].

ISSUE

Did the Department of Human Services (DHS) properly deny claimant's Medical Assistance (MA-P) and State Disability Assistance (SDA) application?

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 August 9, 2010, claimant reapplied for MA & SDA at the Michigan Department of Human Services.
- (2) Claimant applied for 3 months of retro MA.
- (3) On August 26, 2010, the MRT denied.
- (4) On September 2, 2010, the DHS issued notice.
- (5) On September 8, 2010, claimant filed a hearing request.
- (6) Claimant has an SSI application pending with the Social Security Administration (SSA).

- (7) On September 2, 2010, the State Hearing Review Team (SHRT) denied claimant.
- (8) On May 18, 2010, the undersigned Administrative Law Judge held a Medicaid administrative hearing appeal on behalf of claimant. The undersigned Administrative Law Judge previously issued a reversal of the department's denial of claimant's MA-P and SDA pursuant to a November 5, 2009 application. Thus, there is no jurisdiction to review claimant's subsequent application pursuant to Register #201053912.

CONCLUSIONS OF LAW

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).

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).

Statutory authority for the SDA program states in part:

- (b) A person with a physical or mental impairment which meets federal SSI disability standards, except that the minimum duration of the disability shall be 90 days. Substance abuse alone is not defined as a basis for eligibility.

In order to receive MA benefits based upon disability or blindness, claimant must be disabled or blind as defined in Title XVI of the Social Security Act (20 CFR 416.901). DHS, being authorized to make such disability determinations, utilizes the SSI definition of disability when making medical decisions on MA applications. MA-P (disability), also is known as Medicaid, which is a program designated to help public assistance claimants pay their medical expenses. Michigan administers the federal Medicaid program. In assessing eligibility, Michigan utilizes the federal regulations.

As noted in the findings of fact, the undersigned Administrative Law Judge has issued a favorable decision on behalf of claimant pursuant to a prior hearing and prior application of November 5, 2009. As the department's prior denial has been reversed, there is not need to do a substantive review herein.

DECISION AND ORDER

As noted in the findings of fact, a prior application filed by claimant which was heard before the undersigned Administrative Law Judge on May 18, 2010, reversed the department's prior denial of claimant's MA-P and SDA benefits. Thus, claimant's subsequent reapplication at issue, here is no longer at issue. This action is reversed. The department is instructed to make reference to Register #201031946 wherein claimant was awarded MA-P and SDA benefits pursuant to a November 5, 2009, application.

/s/

Janice Spodarek
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: December 10, 2010

Date Mailed: December 13, 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 mailing date of the rehearing decision.

JSds

cc:

