

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

IN THE MATTER OF:

[REDACTED]
[REDACTED]
[REDACTED]

Reg. No: 2010-54556
Issue No: 2009, 4031
Case No: [REDACTED]
Hearing Date: November 3, 2010
Clare 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 November 3, 2010. Claimant personally appeared and testified.

ISSUE

Did the Department of Human Services (the department) properly deny claimant's application for Medical Assistance (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) On February 9, 2010, claimant filed an application for Medical Assistance, retroactive Medical Assistance and State Disability Assistance benefits alleging disability.
- (2) On April 5, 2010, the Medical Review Team approved claimant for State Disability Assistance benefits until June 2010 and denied claimant's application for Medical Assistance and retroactive Medical Assistance benefits stating that claimant's impairments lacked duration.
- (3) On August 12, 2010, the department caseworker sent claimant notice that her application was denied.
- (4) On September 2, 2010, claimant filed a request for a hearing to contest the department's negative action.

- (5) On October 4, 2010, the State Hearing Review Team again denied claimant's application stating that it had insufficient evidence in requesting independent internist examination and a pulmonary function test as well as updated treating source records.
- (6) The hearing was held on November 3, 2010. At the hearing, claimant waived the time periods and requested to submit additional medical information.
- (7) On July 22, 2011, the Administrative Law Judge received an SOLQ from the Social Security Administration which indicates that claimant was approved for RSDI benefits with a disability onset date of August 16, 2008.

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 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 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.

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 and the State Disability Assistance program as of the February 9, 2010 application date and for purposes of the retroactive Medical Assistance application.

Accordingly, the department's decision is REVERSED.

The department is ORDERED to initiate a review of the February 9, 2010 Medical Assistance, retroactive Medical Assistance and State Disability Assistance application if it has not already done so to determine if all other medical eligibility criteria are met. The department shall inform the claimant of the determination in writing.



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

Date Signed: July 26, 2011

Date Mailed: July 27, 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/tg

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