

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

IN THE MATTER OF:



Reg. No: 201054684

Issue No: 2009/4031



Hearing Date: November 17, 2010
Jackson County DHS

ADMINISTRATIVE LAW JUDGE: Janice G. Spodarek

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 to protest the denial of claimant's application for Medical Assistance (MA) and State Disability Assistance (SDA). After due notice, a telephone hearing was held on November 17, 2010.

ISSUE

Whether claimant meets the disability criteria for MA and 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 July 23, 2010, claimant applied for MA-P and SDA with the Michigan Department of Human Services (DHS).
2. Claimant applied for 3 months of retro MA.
3. On August 20, 2010, MRT denied.
4. On August 17, 2010, the department issued notice.
5. On August 27, 2010, claimant filed a hearing request.
6. On September 30, 2010, SHRT denied claimant.
7. At the conclusion of the hearing, the record was held open at claimant's request for the submission of SSI approval by SSA. The department

indicated it would run an SOLQ and fax the verification to the undersigned Administrative Law Judge. The record was held open.

8. To date, the undersigned Administrative Law Judge has not received verification from [REDACTED] FIM with Jackson County. The undersigned Administrative Law Judge has been unable to secure verification from LARA MAHS.
9. The DHS testified that the claimant received an award by his self testimony on November 4, 2010 pursuant to a January 12, 2009 application. The department indicated it would have to call Social Security for verification. To date no verification has been forwarded to the undersigned Administrative Law Judge.
10. The record reflects approval but verification has not been submitted.

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).

If Social Security Administration has rendered a favorable decision on behalf of claimant, it is not necessary for the Administrative Law Judge to discuss the issue of disability. PEM, Item 260; PEM, Item 261.

The department is required to initiate a determination of claimant's financial eligibility for the requested benefits, if required by DHS policy and procedure.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides if the department has verification of an SSI approval, then claimant meets the disability criteria for the MA and SDA programs pursuant to an SSA award for an application filed January 12, 2009. The department is Ordered to obtain verification from Social Security Administration. If consistent with the facts herein, the department is

Ordered to open and MA and SDA case as permitted under DHS policy and procedure, if eligibility otherwise exists.

Accordingly, the department's denial is hereby REVERSED.

The department shall review this case in accordance with its usual policy and procedure.

/s/

Janice G. Spodarek
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: July 20, 2011

Date Mailed: July 20, 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 receipt 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.

JGS/db

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