

STATE OF MICHIGAN  
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ADMINISTRATIVE HEARINGS FOR THE  
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF: [REDACTED]  
Claimant

Reg. No: 2010-9533  
Issue No: 2009;4031  
Case No: [REDACTED]  
Load No: [REDACTED]  
Hearing Date:  
January 13, 2010  
Calhoun County DHS

ADMINISTRATIVE LAW JUDGE: Marya A. Nelson-Davis

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 request for a hearing to protest the denial of Claimant's application for Medical Assistance (MA-P), retroactive Medical Assistance, and State Disability Assistance (SDA) benefits. After due notice, a hearing was held January 13, 2010. Claimant was represented [REDACTED]

ISSUE

Does Claimant meet the disability criteria for MA-P, retroactive MA-P, and SDA benefits?

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 March 31, 2008, Claimant applied for MA-P, retro MA-P, and SDA benefits.

(2) The Department denied Claimant's application for disability benefits based on a failure to return proof of citizenship.

(3) On September 23, 2008, [REDACTED] filed another application for MA-P retro to June 2008, and SDA benefits on Claimant's behalf.

(4) On January 30, 2009, the Medical Review Team denied Claimant's September 2008 application for MA-P and SDA benefits.

(5) On February 3, 2009, the Department sent written notice of the denial to Claimant.

(3) Claimant filed a timely hearing request, protesting the denial based on a failure to provide verification; and the administrative hearing was held on May 7, 2009.

(4) On June 2, 2009, Administrative Law Judge (ALJ) Landis Y. Lain issued a Hearing Decision in which she ordered the Department to reinstate Claimant's March 31, 2008 application for MA-P and SDA benefits and process the application in accordance with Department policy.

(5) The Department complied with ALJ Lain's Decision and Order and processed Claimant's March 31, 2008 MA-P and SDA application.

(6) The Medical Review Team informed the Department that their denial of MA-P and SDA was being upheld.

(7) On July 14, the department sent Claimant notice that he was denied MA-P and SDA benefits on the basis that he did not meet the disability standard for those programs.

(8) On October 14, the Department received Claimant's hearing request, protesting the denial of MA-P benefits.

(9) The State Hearing Review Team upheld the denial of MA-P benefits due to insufficient medical documentation.

(8) Subsequent to the hearing, a Social Security Administration (SSA) ALJ determined at the administrative hearings level that Claimant met the federal SSI disability criteria with a disability onset date of November 15, 2006.

#### 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).

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; PEM, Item 261.

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 MA-P and SDA programs effective November 15, 2006.

Accordingly, if it has not already done so, the department is ORDERED to determine whether Claimant is otherwise eligible for MA-P and SDA benefits based on an application date of March 31, 2008.

/s/  
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Marya A. Nelson-Davis  
Administrative Law Judge  
for Ishmeal Ahmed, Director  
Department of Human Services

Date Signed: March 29, 2010

Date Mailed: March 30, 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 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.

2010-9533/mand

MAND/db

cc:

