

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: 2010-16463
Issue No: 2009
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
March 4, 2010
Lake County DHS

ADMINISTRATIVE LAW JUDGE: Gary F. Heisler

AMENDED HEARING DECISION

On April 9, 2010 a Decision and Order was issued. The Decision and Order is amended as follows:

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 8, 2009 Claimant submitted an application for Medical Assistance (MA).
2. On September 23, 2009 Claimant submitted an application for Medical Assistance (MA) in another DHS County Office.
3. On September 18, 2009 the Department's Medical Review Team determined that the claimant was not disabled for MA on one of the medical records submitted with an application.
4. On September 22, 2009 the Department sent the claimant an Application Eligibility Notice denying her MA application.

5. October 20, 2009 the Department's Medical Review Team determined that the claimant was not disabled for MA on the other medical records submitted with an application..

6. On October 22, 2009 the Department sent the claimant an Application Eligibility Notice denying her MA application.

7. Claimant submitted a request for hearing.

8. On February 1, 2010 the State Hearing Review Team (SHRT) denied Claimant due to insufficient evidence and requested a complete physical examination.

9. Claimant presented additional medical information following the hearing. This information was forwarded to SHRT along with the requested physical examination for additional review.

10. On March 15, 2010, after reviewing both medical records and the additional medical information, SHRT approved disability benefits beginning April 2009. The SHRT decision approves all of Claimant's claims of disability for the time periods covered by this hearing.

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 SHRT determination, it is not necessary for the Administrative Law Judge to discuss the issue of disability, per Program Administrative Manual, Item 600. 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 MA-P program effective April 2009.

Accordingly, the department is ORDERED to initiate a review of the July 8, 2009 MA application, if it has not already done so, to determine if all other non-medical eligibility criteria are met. The department shall inform the claimant of the determination in writing.

/s/ _____
Gary F. Heisler
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: April 26, 2010

Date Mailed: April 27, 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 receipt date of the rehearing decision.

GFH/alc

cc:

