

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: 2010-1897

Issue No: 2009; 4031

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

November 19, 2009

Eaton 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 upon claimant's request for a hearing. After due notice, an in-person hearing was held on November 19, 2009. Claimant was represented at the administrative hearing by

[REDACTED] Claimant's representative was a non-attorney.

ISSUE

Did the Department of Human Services (DHS) properly deny claimant's Medical Assistance (MA-P) and State Disability Assistance (SDA) application on the grounds that claimant is not eligible for MA and SDA based upon disability?

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 6/18/09, claimant applied for MA-P and SDA with the Michigan DHS.

(2) Claimant did not apply for retro MA.

(3) On 8/14/09, the MRT denied.

(4) On 8/18/09, the DHS issued notice.

(5) On 8/25/09, claimant filed a hearing request.

(6) Claimant testified at the administrative hearing that there was a denial by SSA of SSI on November 10, 2009. Claimant testified of the intent to file an appeal within the allowed time period.

(7) On 10/21/09, the State Hearing Review Team (SHRT) denied claimant. The record was held open in this matter pursuant to claimant's representative's request for additional medical documentation.

(8) Prior to a disposition in this matter on the issue of Medicaid disability and State Disability Assistance, the undersigned Administrative Law Judge received correspondence from claimant's representative indicating that the issue was moot.

(9) On 1/22/10, claimant's representative sent a letter to the undersigned Administrative Law Judge stating in part:

...the issue before Your Honor is now moot, as a final disability determination has been made by the DHS. ...

Contrary to the [REDACTED] letter, there is no authority for the DHS to make a disability determination independent of MRT, SHRT, and/or an administrative hearing. Claimant's eligibility for medical must fall under a non-disability medical category and not based upon disability.

(10) Verification indicates that claimant is eligible from July 1, 2009, ongoing. There is no indication of any retro month eligibility for June, 2009.

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).

As noted in the Findings of Fact, claimant's representative has indicated that there is no need to proceed any further on the issue of claimant's MA and SDA applications on the basis of disability. The correspondence from claimant's representative states:

...The issue before Your Honor is now moot, as a final disability determination has been made by the DHS. The attached January 14, 2010 Notice of Case Action documentations indicate that [claimant] has coverage, beginning from 7/1/2009 ongoing.

DHS has no authority to approve MA and/or SDA on the basis of disability absent an MRT, SHRT, and/or an administrative hearing approving medical based on disability. Thus, it must be assumed that the category under which claimant has been approved Medical Assistance is one that is not based upon disability. It is also noted that claimant has not been approved by Social Security for disability as the attachment to the verification submitted by the representative clearly indicates that claimant must file an application for Social Security disability by January 25, 2010.

The issue before the undersigned Administrative Law Judge has to do with the MA and SDA on the basis of disability. As claimant has not been approved MA and/or SDA on the basis of disability, this Administrative Law Judge thus upholds the original denial as claimant's representative has in essence withdrawn the hearing request and has stated that there is no reason to go forward.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department's denial of claimant's MA-P and SDA application on the basis of disability dated 6/18/09 is no longer being pursued by claimant's representative.

Accordingly, this Administrative Law Judge upholds the denial of claimant's MA-P and SDA application on the basis of disability. This Decision and Order in no way effects claimant's ability to receive Medical Assistance and/or Medicaid from the DHS on the basis of any other category. It is SO ORDERED.

It is further ORDERED that this decision does not grant any benefits to claimant for the month of June, 2009, unless eligible under a different category than the MA-P disability case, which was denied and is being upheld in this Decision and Order.

/s/ \_\_\_\_\_  
Janice Spodarek  
Administrative Law Judge  
for Ismael Ahmed, Director  
Department of Human Services

Date Signed: January 27, 2010

Date Mailed: January 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 mailing date of the rehearing decision.

JS/cv

cc:

