

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: 2010-1898
Issue No: 2009; 4031
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
November 17, 2009
Lapeer 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 17, 2009. Claimant personally appeared and testified.

ISSUE

Whether claimant meets the disability criteria 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 April 30, 2009, claimant applied for Medical Assistance and State Disability Assistance benefits alleging disability.

(2) On August 4, 2009 the Medical Review Team denied claimant's application stating that claimant could perform other work pursuant to Medical-Vocational Rule 203.15.

(3) On August 12, 2009, the department caseworker sent claimant notice that her application was denied.

(4) On August 27, 2009, claimant filed a request for a hearing to contest the department's negative action.

(5) On October 19, 2009, the State Hearing Review Team approved claimant's application stating in its recommendation: The claimant was approved for Social Security Disability benefits on October 7, 2009 and is currently in payment status. Therefore, MA-P/retro MA-P is approved effective January 2009. SDA is approved per PEM 261. The claimant is deemed to be incapable of being able to perform even sedentary tasks, 201.00(h). This case needs to have a medical review in October 2016. At the time, the following will be forwarded for review: DHS-49, DHS-49B, S, G, and the old medical packet, all psychiatric evaluations, all hospital and treating physician notes and testing results, all consultative examinations including those from the Social Security Administration/Disability Determination Service. No medical review is necessary due to SSA allowance.

(6) On October 7, 2009, the Social Security Administration granted claimant a fully favorable disability determination with a disability onset date of [REDACTED]

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 Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

Because of the Social Security Administration determination and the SHRT determination, it is not necessary for the Administrative Law Judge to discuss the issue of disability. BEM, 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 April 30, 2009 application date.

Accordingly, the department's decision is REVERSED. The department is ORDERED to initiate a review of the April 30, 2009 application, if it has not already done so, to determine if all other non-medical criteria are met. If there is a retroactive Medical Assistance application for the months of January, February, and March, the department shall also review the retroactive Medical Assistance application to determine if all other non-medical eligibility is met. The

department shall inform the claimant of the determination in writing and shall conduct a medical review in October 2016 pursuant to the State Hearing Review Team's determination.

/s/ _____
Landis Y. Lain
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: November 18, 2009

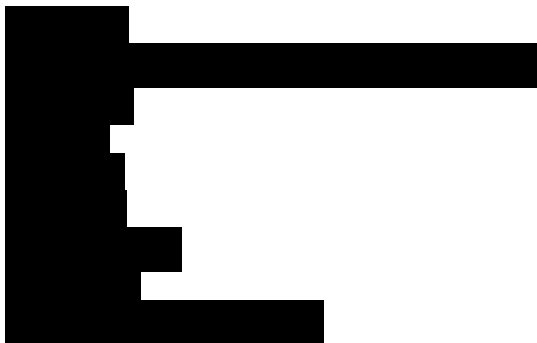
Date Mailed: November 18, 2009

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/vmc

cc:

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