

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: 2010-2761  
Issue No: 2009/4031  
Case No: [REDACTED]  
Load No: [REDACTED]  
Hearing Date:  
February 17, 2010  
St. Clair County DHS

ADMINISTRATIVE LAW JUDGE: Marlene B. Magyar

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 February 17, 2010. Claimant personally appeared and testified.

ISSUE

Did the department properly determine claimant's disability status for Medicaid (MA) and State Disability Assistance (SDA) eligibility purposes?

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 20, 2009, claimant applied for disability-based MA/retro-MA/SDA.
- (2) On October 1, 2009, the department's Medical Review Team (MRT) denied disability status, followed by pre-hearing concurrence issued by the department's State Hearing

Review Team (SHRT) on October 28, 2009 (Department Exhibit #1, pgs 162 and 163; Department Exhibit #2, pgs 1 and 2).

(3) Claimant's self-requested appeal hearing disputing these decisions was held on February 17, 2010.

(4) At hearing, the department's witness provided this presiding Administrative Law Judge with verification of the Social Security Administration's (SSA's) decision finding claimant's disability began in December 2007 with benefit entitlement effective August 2008, which is long before claimant filed his disputed MA/retro-MA/SDA application (Department Exhibit #3) (See also Finding of Fact #1 above).

(5) The department stipulated on the record at hearing claimant's SSA approval establishes a disability allowance for MA/retro-MA/SDA eligibility purposes.

#### 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).

In the present case, the SSA's disability allowance, received while claimant's appeal was pending, currently establishes claimant is disabled and has been disabled at all times relevant to his July 20, 2009 MA/retro-MA/SDA application.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides the department, through the local office, properly determined and verified claimant's disability status.

Accordingly, the department's decision is AFFIRMED, and it is Ordered that claimant's disputed application shall be processed with benefits awarded if claimant meets all of the other financial and non-financial requirements necessary to receive them. A medical review of claimant's condition is not necessary in lieu of the SSA allowance.

/s/ \_\_\_\_\_  
Marlene B. Magyar  
Administrative Law Judge  
for Ismael Ahmed, Director  
Department of Human Services

Date Signed: March 9, 2010

Date Mailed: March 10, 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.

2010-2761/mbm

MBM/db

cc:

