

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:



Reg. No.: 2010-29585
Issue Nos.: 2009, 4031
Case No.: [REDACTED]
Hearing Date: June 9, 2010
DHS County: Macomb (50-20)

ADMINISTRATIVE LAW JUDGE: Jonathan W. Owens

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 hearing was held on June 9, 2010. Claimant appeared and testified.

The record was left open for the Claimant's representative to clarify the Social Security Administration (SSA) decision on record.

ISSUE

Whether the Department of Human Services (DHS or Department) properly determined that Claimant is not "disabled" for purposes of the Medical Assistance (MA-P) and State Disability Assistance (SDA) programs?

FINDINGS OF FACT

The Administrative Law Judge, based upon the competent, material and substantial evidence on the whole record, finds as a material fact:

1. On June 8, 2007, Claimant applied for MA-P, SDA and retro MA-P.
2. On May 9, 2008, the Medical Review Team denied Claimant's request.
3. On December 30, 2008, Claimant submitted to the Department a request for hearing.
4. The State Hearing and Review Team (SHRT) denied Claimant's request.
5. Claimant is 56 years old.

6. Claimant completed education through high school.
7. Claimant has employment experience as a minister.
8. Claimant's limitations have lasted for 12 months or more.
9. Claimant suffers from asthma, diabetes, stroke, glaucoma, hypertension and history of hernias.
10. Claimant has significant limitations on physical activities involving sitting, standing, walking, bending, lifting, and stooping.
11. On July 9, 2010, Claimant's representative advised this Administrative Law Judge regarding the SSA decision on record. Claimant's representative reported that Claimant, through his attorney, amended his alleged disability onset date to November 11, 2008, on his July 30, 2007, application.

CONCLUSIONS OF LAW

MA-P 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 administers MA-P pursuant to MCL 400.10, *et seq.*, and MCL 400.105. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Program Reference Manual (PRM).

The SDA program, which provides financial assistance for disabled persons, is established by 2004 PA 344. The Department administers the SDA program pursuant to MCL 400.10, *et seq.*, and MAC R 400.3151-400.3180. Department policies are found in BAM, BEM and PRM.

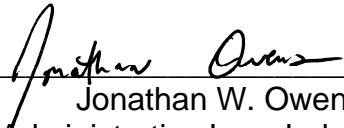
Because of the Social Security Administration determination, it is not necessary for the Administrative Law Judge to discuss the issue of disability, per BEM, Item 260.

The Department is required to initiate a determination of Claimant's financial eligibility for the requested benefits, if not previously done, beginning November 2008. The prior months of requested coverage are denied per BEM 260, since the SSA issued a final determination regarding disability onset. As indicated by Claimant's representative, Claimant amended his alleged disability onset date to November 2008.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that Claimant is medically disabled under the MA-P and SDA programs as of November 2008.

Accordingly, the Department decision is hereby ORDERED to open an ongoing MA-P and SDA case for the Claimant effective November 2008.



Jonathan W. Owens
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: February 1, 2011

Date Mailed: February 1, 2011

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.

JWO/pf

cc:

