

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: 2010-4213
Issue No: 2009; 4031
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
December 8, 2009
Lenawee County DHS

ADMINISTRATIVE LAW JUDGE: Gary F. Heisler

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 December 8, 2009. Claimant personally appeared and testified.

ISSUES

- (1) Did the Department of Human Services properly determine that Claimant is not disabled and deny Claimant's application for Medical Assistance (MA) based on disability?
- (2) Did the Department of Human Services properly determine that Claimant is not disabled and deny Claimant's application for 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 July 27, 2009, Claimant reapplied for Medical Assistance (MA) and State Disability Assistance (SDA).

2. On September 17, 2009, the Department's Medical Review Team determined that the claimant was not disabled for MA and SDA eligibility purposes.

3. On September 21, 2009, the Department sent the claimant a Notice of Case Action (DHS-1605) denying his MA and SDA application.

4. Claimant requested a hearing on September 28, 2009.

5. On October 26, 2009, Claimant reapplied for Medical Assistance (MA) and State Disability Assistance (SDA).

6. On November 5, 2009, the Department's State Hearing Review Team (SHRT) reviewed the medical evidence submitted with Claimant's application dated July 27, 2009. Based on that evidence SHRT also determined that the claimant was not disabled.

7. On December 3, 2009, the Department's Medical Review Team reviewed the medical evidence submitted with Claimant's application dated July 27, 2009. The Medical Review Team determined that the claimant WAS disabled for MA and SDA eligibility purposes beginning July, 2009.

8. At this hearing, on the denial of Claimant's application dated July 27, 2009, evidence was presented that the Medical Review Team had approved Claimant beginning July, 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).

In this case, the Medical Review Team decision dated December 3, 2009, is that Claimant has been disabled beginning July 2009. This hearing involves denial of Claimant's July 27, 2009 application for Medical Assistance (MA) based on disability and State Disability Assistance (SDA). The Medical Review Team decision of December 3, 2009 covers the period of time involved in this hearing and negates the necessity of a full disability determination. The Medical Review Team decision of December 3, 2009 shows Claimant would also meet the State Disability Assistance (SDA) criteria in Bridges Eligibility Manual (BEM) 261 during the period of time involved in this hearing.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department erred in determining claimant is not disabled.

It is ORDERED that the actions of the Department of Human Services, in this matter, are REVERSED.

It is further ORDERED that the Department shall process claimant's disputed MA and SDA application dated July 27, 2009 and issue him any benefits he was entitled to but did not

receive, if he is otherwise eligible to receive them (i.e. meets all of the other required eligibility criteria for the same period of time).

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

Date Signed: January 5, 2010

Date Mailed: January 6, 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 

cc:

