

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

IN THE MATTER OF:

[REDACTED]

Reg No. 200817733
SOAHR No. 201043508
Issue No. 2009; 4031
Case No. [REDACTED]
Load No. [REDACTED]
Hearing Date: September 11, 2008
SOAHR Date: September 1, 2010
Ingham County DHS

ADMINISTRATIVE LAW JUDGE: Carmen G. Fahie

REHEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9; MCL 400.37; and MAC R 400.911 upon an Order for Reconsideration filed on August 9, 2010. The claimant personally appeared and testified with her authorized representative [REDACTED].

ISSUES

The issue set forth in the original Hearing Decision mailed on July 6, 2010, is hereby incorporated by reference.

Whether the Administrative Law Judge correctly determined that the department properly denied the claimant's Medical Assistance (MA-P) application based upon the fact that the claimant had not established continued eligibility for State Disability Assistance (SDA) and disability for Medical Assistance (MA-P)?

FINDINGS OF FACT

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

1. The Findings of Fact 1-12 as set forth in the original Hearing Decision mailed on July 6, 2010, are herein incorporated by reference.

2. On September 1, 2010, a rehearing was held where the claimant was allowed to submit additional medical information to be submitted to the State Hearing Review Team (SHRT).
3. At the conclusion of the hearing, the record was held open at claimant's request for the submission of additional medical records. Medical records were received and submitted to the State Hearing Review Team (SHRT). SHRT approved claimant's claim of disability on October 14, 2010.

The claim is a medical review for improvement for benefits previously granted due to meeting or equaling a Social Security listing or Vocational Rule. The claimant is alleging disability due to right knee replacement. She is 63 years old with 12 years of education and a history of unskilled work. The claimant reported ongoing knee pain due to multiple surgeries. On review May 2010 she was using a cane and walker to get around. The Medical Review Team granted the continuation of MA-P and SDA benefits to June 2010. Thus, the Medical Review Team decision is upheld and adopted with a May 2011 medical review request of medical records and testing from the last 12 months.

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 SHRT determination, it is not necessary for the Administrative Law Judge to discuss the issue of disability, per Program Administrative Manual, Item 600.

The department is required to initiate a determination of claimant's financial eligibility for the requested benefits, if not previously done. The claimant is eligible for MA-P retroactive to February 2008 and SDA based on her medical review of March 2008 with a medical review required May 2011.

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 retroactive to February 2008 and SDA based on her medical review of March 2008.

Accordingly, the department is ORDERED to initiate a review of the February 13, 2008 application, if it has not already done so, to determine if all other non-medical eligibility criteria are met. The department shall inform the claimant of the determination in writing.

/s/ _____
Carmen G. Fahie
Administrative Law Judge
For Ismael Ahmed, Director
Department of Human Services

Date Signed: October 29, 2010

Date Mailed: October 29, 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.

CGF / vc

cc:

