

STATE OF MICHIGAN
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

[REDACTED]
[REDACTED]
[REDACTED]

Reg. No: 2010-51283
Issue No: 2009; 4031
Case No: [REDACTED]
Hearing Date: October 6, 2010
Lenawee 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, In Person hearing was held on October 6, 2010. Claimant was represented at the hearing by [REDACTED].

This hearing was originally held by Administrative Law Judge Jay Sexton. Jay Sexton is no longer affiliated with the Michigan Administrative Hearing System Administrative Hearings for the Department of Human Services. This hearing decision was completed by Administrative Law Judge Landis Y. Lain by considering the entire record.

ISSUE

Did the Department of Human Services (the department) properly deny claimant's application 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 May 12, 2010, claimant filed an application for Medical Assistance and State Disability Assistance benefits alleging disability.
- (2) On May 27, 2010, the Medical Review Team approved claimant for State Disability Assistance benefits until August 2010 and denied claimant's application for Medical Assistance and retroactive Medical Assistance stating that claimant's impairments lacked duration.
- (3) On May 12, 2010, the department caseworker sent claimant notice that his application was denied.

- (4) On June 2, 2010, claimant filed a request for a hearing to contest the department's negative action.
- (5) On September 3, 2010, the State Hearing Review Team again denied claimant's application stating that it had insufficient evidence and requested a physical examination.
- (6) On August 23, 2011, this Administrative Law Judge received an SOLQ from the Social Security Administration which indicates that the claimant was approved for SSI benefits with a disability onset date of November 2, 2010.

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 Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) 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 Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Program Reference Manual (PRM).

Because of the Social Security Administration determination, it is not necessary for this 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 for the Medical Assistance program as of May 12, 2010 application date and meets the definition of medically disabled for the State Disability Assistance benefits from the May 12, 2010 application date.

Accordingly, the department's decision is REVERSED. The department is ORDERED if it has not already done so to open an ongoing Medical Assistance case for the claimant effective the month of SSI entitlement as well as the three months prior to SSI entitlement pursuant to BEM 150 which states an ongoing MA eligibility begins the first

day of SSI entitlement. Some clients also qualify for retroactive MA coverage for up to three calendar months prior to SSI entitlement. The department is also ORDERED if it has not already done so to determine if all other nonmedical eligibility criteria are met for State Disability Assistance benefits. The department shall inform the claimant of a determination in writing.



Landis Y. Lain
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: August 26, 2011

Date Mailed: August 26, 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.

LYL/tg

cc:

