

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

IN THE MATTER OF:



Reg. No: 2010-51287  
Issue No: 2009, 4031  
Case No: [REDACTED]  
Load No: [REDACTED]  
Hearing Date:  
September 30, 2010  
Kalamazoo County DHS

**ADMINISTRATIVE LAW JUDGE:** Landis Y. Lain for Jana Bachman

**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 September 30, 2010. Claimant personally appeared and testified.

**ISSUE**

Whether the claimant meets the definition of disability for purposes of 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 July 2, 2010, claimant filed an application for Medical Assistance and State Disability Assistance benefits alleging disability.
- (2) On July 29, 2010, the Medical Review Team denied claimant's application.
- (3) On July 30, 2010, the department case worker sent claimant notice that her application was denied.
- (4) On August 18, 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 psychiatric evaluation.

- (6) The hearing was held on September 30, 2010. At the hearing, claimant waived the time periods and requested to submit additional medical information.
- (7) Additional medical information was submitted and sent to the State Hearing Review Team on January 7, 2011.
- (8) On January 20, 2011, the State Hearing Review Team approved claimant for Medical Assistance and State Disability Assistance stating in its' recommended decision: the claimant was approved for Social Security Disability benefits on November 3, 2010. Therefore, MA-P/retro MA-P is approved effective August 1, 2010. At the medical review of January 2012 request the medical records for the last 6 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 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 the 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 under the Medical Assistance Program and the State Disability Assistance program as of the July 2, 2010, application date.

Accordingly, the department's decision is REVERSED. The department is ORDERED to initiate a review of the July 2, 2010, Medical Assistance and State Disability Assistance application if it has not already done so to determine if all other non-medical

