

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: 201051791
Issue No: 2009/4031
Case No: [REDACTED]
Hearing Date
November 4, 2010
Kent County DHS (41)

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, an in-person hearing was held on November 4, 2010. Claimant personally appeared and testified.

This hearing was originally held by Administrative Law Judge [REDACTED]. Judge [REDACTED] 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 [REDACTED] 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 June 9, 2010, claimant filed an application for Medical Assistance, and State Disability Assistance benefits alleging disability.
- (2) On June 28, 2010, the Medical Review Team approved claimant for State Disability Assistance (SDA) from June through December 2010, and denied claimant's application for Medical Assistance and Retroactive Medical Assistance benefits stating that claimant's impairments lack duration.

- (3) On July 8, 2010, the department caseworker sent claimant notice that his application was denied.
- (4) On August 13, 2010, claimant filed a request for a hearing to contest the department's negative actions.
- (5) On September 10, 2010, the State Hearing Review Team again denied claimant's application stating that it needed additional medical information in the form of a complete physical examination and a mental status evaluation.
- (6) On December 2, 2011, per Social Security SOLQ, the claimant was approved per RSDI since November 1, 2010 with a disability onset date of May 26, 2010.

CONCLUSIONS OF LAW

The regulations governing the hearing and appeal process for applicants and recipients of public assistance in Michigan are found in the Michigan Administrative Code, MAC R 400.901-400.951. An opportunity for a hearing shall be granted to an applicant who requests a hearing because his or her claim for assistance has been denied. MAC R 400.903(1). Clients have the right to contest a department decision affecting eligibility or benefit levels whenever it is believed that the decision is incorrect. The department will provide an administrative hearing to review the decision and determine the appropriateness of that decision. BAM 600.

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 (BAM), the Program 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 Program Administrative Manual (BAM), the Program 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. PEM, Item 260. A person eligible for Retirement Survivors And Disability Insurance (RSDI) benefits based upon a disability or blindness meets the disability or blindness criteria. Disability or Blindness

starts from the RSDI disability onset date established by the Social Security Administration (SSA). No other evidence is required. BEM, Item 260, Page 1.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that based upon the decision by the SSA have found claimant disabled on the Social Security rules with an RSDI Disability onset date of May 26, 2010, that claimant meets the definition of medically disabled under the Medical Assistance and Retroactive Medical Assistance program **as of the May 26, 2010. June 9, 2010 Medical Assistance application and for the month of May 2010**, based upon the retroactive medical assistance application.

Accordingly, the department's decision is REVERSED, the department ORDERED to initiate and review the June 9, 2010, Medical Assistance, Retroactive Medical Assistance and State Disability Assistance 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. A medical review shall be conducted in December 2012, to determine if claimant is still eligible for RSDI. If claimant is no longer eligible for RSDI, a medical disability review shall be conducted and the department shall assist claimant in gathering updated medical information.

/s/

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

Date Signed: 12/7/11

Date Mailed: 12/7/11

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/ds

■ [REDACTED]