

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

IN THE MATTER OF THE CLAIM OF:

[REDACTED]
[REDACTED]
[REDACTED]

Reg. No.: 20107339
Issue No.: 2009; 4031
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: June 10, 2010
Wexford County DHS

ADMINISTRATIVE LAW JUDGE: Ivona Rairigh

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 June 10, 2010. Claimant personally appeared and testified.

ISSUE

Did the Department of Human Services (the department) properly determine that the claimant was no longer disabled for Medical Assistance (MA-P) and State Disability Assistance (SDA) eligibility purpose?

FINDINGS OF FACT

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

1. Claimant was approved for MA and SDA by department's Medical Review Team (MRT) in September, 2006, based on IQs in the 60's along with emotional and back problems.
2. Claimant's MA and SDA case came due for review in July, 2009. Department gathered claimant's medical information based on her authorization to release such information and submitted this information to MRT.

2010-7339/IR

3. On August 12, 2009 MRT determined claimant was no longer disabled for MA and SDA eligibility purpose. No justification for such decision was provided by MRT.
4. Department took action to terminate claimant's MA and SDA benefits and claimant requested a hearing on August 20, 2009.
5. On November 24, 2009 State Hearing Review Team (SHRT) also determined that the claimant was no longer disabled, as she was capable of simple, unskilled, light work, per Vocational Rule 202.17.
6. Claimant provided additional medical information following the hearing. This information was forwarded to SHRT for review.
7. On September 14, 2010 SHRT requested additional objective information as it was needed to evaluate mental functional capacity. Department was to obtain a psychiatric examination of the claimant.
8. On October 8, 2010 department informed the Administrative Law Judge that the claimant had passed away on September 29, 2010 due to injuries sustained in a car accident. The psychiatric evaluation had not been completed prior to claimant's death.

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

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 (RFT).

Once a claimant has been approved for MA and SDA, the burden is on the department to show what type of change occurred that justifies termination of ongoing benefits. In claimant's case the department's SHRT was in the process of completing the determination by requesting additional psychiatric examination. Claimant however passed away prior to such examination taking place, and it is unknown if SHRT and/or this Administrative Law Judge would have approved ongoing MA/SDA benefits upon receipt of such examination. Claimant continued to receive MA and SDA benefits pending the outcome of the hearing. If the claimant was to be found eligible for ongoing MA and SDA benefits, she would have continued to receive them. If the claimant was found not eligible for MA and SDA benefits she received pending the outcome of this hearing, department would have to recoup such benefits, which is not possible because the claimant is deceased. Therefore, the Administrative Law Judge will take no further action on claimant's case.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the claimant's hearing request is DISMISSED. SO ORDERED.

/s/ _____
Ivona Rairigh
Administrative Law Judge
For Ismael Ahmed, Director
Department of Human Services

Date Signed: October 25, 2010

Date Mailed: October 25, 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.

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2010-7339/IR

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