

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

IN THE MATTER OF:



Reg. No: 2011360  
Issue No: 2009/4031  
[Redacted]  
Hearing Date:  
January 25, 2011  
Macomb 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, a telephone hearing was held on January 25, 2011. Claimant personally appeared and testified.

This hearing was originally held by Administrative Law Judge Marlene B. Magyar. Judge Magyar is no longer affiliated with the Michigan Administrative Hearing System Administrative Hearings for the Department of Human Services and 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 June 14, 2010, claimant filed an application for Medical Assistance, retroactive Medical Assistance and State Disability Assistance benefits alleging disability.
2. On July 12, 2010, the Medical Review Team denied claimant's application stating that claimant could perform other work pursuant to Medical Vocational Rule 202.21.
3. On July 15, 2010, the department caseworker sent claimant notice that her application was denied.
4. On September 13, 2010, claimant filed a request for a hearing to contest the department's negative action.

5. On October 14, 2010, the State Hearing Review Team again denied claimant's application stating that it had insufficient evidence and the State Hearing Review Team requested an internist examination and a psychiatric evaluation.
6. The hearing was held on January 25, 2011. 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 May 16, 2011.
8. On May 20, 2011, the Social Security Administration approved claimant stating in its recommendation: The Social Security Administrative Law Judge approved this claimant for benefits in March 2011 with an onset of April 30, 2008. At this point, it is not clear whether the claimant has been put into payment status or not. However, it is anticipated that he will be placed into payment status. Therefore, MA-P, retro MA-P is approved effective March 2010. State Disability Assistance is approved per PEM 261. At medical review in May 2012, please check to see if the claimant is in current payment status or not. If the claimant is in current payment status at the medical review, no further action will be necessary. However, if the claimant is not in current payment status at the medical review, please obtain updated application (DHS-49 forms) and obtained updated medical records.

### **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).

Based upon the Social Security Administration's determination, it is not necessary for this Administrative Law Judge to discuss the issue of disability. PEM, 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 as of the June 14, 2010 application date and for the three months of retroactive Medical Assistance based upon the retroactive Medical Assistance application. Claimant also meets the definition of medically disabled under the State Disability Assistance Program as of the June 14, 2010 application date.

Accordingly, the department's decision is REVERSED. The department is ORDERED to initiate a review of the June 10, 2010 Medical Assistance, State Disability Assistance and retroactive Medical 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. In addition, the department is also ORDERED to open an ongoing Medical Assistance case for the claimant effective the month of SSI entitlement based upon the Administrative Law Judge's March 7, 2011 decision which states: Based on the application for Supplemental Security Income protectively filed on February 2, 2010 claimant has been disabled under Sections 16, 14(a)(3)(A) of the Social Security Act since April 30, 2008.

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

Date Signed: May 27, 2011

Date Mailed: May 27, 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 receipt 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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