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

IN THE MATTER OF:



Reg No. 2012-63024 Issue No. 4031 Case No. Hearing Date: October 4, 2012 Cheboygan County DHS

ADMINISTRATIVE LAW JUDGE: Vicki L. Armstrong

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon t he claimant's request for a hearing. After due notice, a t elephone hearing was held on October 4, 2012. Claim ant personally appeared and provided testimony.

During the hearing, Claimant waived the time period for the issuance of this decision in order to allow for the submissi on of additional medical evidence. The new evidence was forwarded to the St ate Hearing Review Team (SHRT) for consideration. On January 25, 2015, the SHRT found Claimant was disabled.

ISSUE

Did the department pr operly determine Claimant's dis ability status for Medicaid State Disability Assistance (SDA) eligibility purposes?

FINDINGS OF FACT

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

- 1. On April 26, 2012, Claimant applied for SDA.
- 2. On June 22, 2012, the department's State Hearing Review Team (SHRT) issued a prehearing denial of Claimant's application due to lack of duration.
- 3. Claimant promptly requested a hearing, at which, the presiding Administrative Law Judge granted Claimant's request for a record extension to submit updated examination and treatment documents.

- 4. These doc uments were submitted to SHRT for a post-hearing review.
- 5. On January 25, 2013, SHRT reversed its earlier denial of Claimant's disputed SDA applicat ion indicating t hat based on Claimant's vocational profile (55 years old, a high school education and a history of medium exertional, skilled employment), SDA is approved using Vocational Rule 202.04 as a guide.

CONCLUSIONS OF LAW

The State Disability Assistanc e (SDA) program which provides fin ancial 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 Mich Admin Code, Rules 400. 3151-400.3180. Department policies are found in the Bridges Administra tive Manual (BAM), the Bridges Eligibility Manual (BEM) and the Reference Tables Manual (RFT).

Current legislative amendments to the Act delineate eligibility criteria as implemented by department policy set for the in program manuals. 2004 PA 344, Sec. 604, establishes the State Disability Assistance program. It reads in part:

Sec. 604 (1). The department shall operate a state disability a ssistance program. Except as pr ovided in subsection (3), persons eligible for this program shall include needy citizens of t he United States or aliens exempt from the Suppleme ntal Securit y Income citizenship requirement who are at least 18 years of age or em ancipated minors m eeting one or more of the following requirements:

(b) A person with a physica I or mental impairment which meets federal SSI di sability standards, except that the minimum duration of the disability shall be 90 days. Substance abuse alone is not defined as a basis for eligibility.

Specifically, this Act provides minimal ca sh assistance to i ndividuals with some type of severe, temporary disability wh ich prevents him or her from engaging in substantial gainful work activity for at least ninety (90) days.

In the present case, SHRT reversed its ear lier finding of lack of d isability based on additional medical evidence reviewed for the first time after the hearing. This new medical evidence establishes that Cla imant is currently disabled, and has been disabled at all times relevant to his April 26, 2012, SDA application.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides the departm ent, through SHRT, properly determined Claimant's disability status upon consideration of a dditional m edical evidence reviewed for the first time after the hearing.

Accordingly, **SHRT's** decision is **AFFIRMED** and Claimant's disputed SDA application shall be processed with benefit s awarded retroactive to April, 2012, as lon g a s Cla imant meets all of t he other financial and non-financial requirements necessary to receive them. Additionally, the loc al office s hall initiate an MA review by February, 2014, to determine Claimant 's eligibility for continued SDA.

It is **SO ORDERED**.

<u>/s/</u>

Vicki L. Armstrong Administrative Law Judge for Maura D. Corrigan, Director Department of Human Services

Date Signed: January 29, 2013

Date Mailed: January 29, 2013

NOTICE: Administrative Hearings may order a rehearing or reconsideration on either its own motion or at the request of a party wit hin 30 day s of the mailing date of this Decision and Order. Admi nistrative 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 Decisi on and Order or, if a time ly request for rehearing was made, within 30 days of the receipt date of the rehearing decision.

Claimant may request a rehearing or reconsideration for the following reasons:

- A rehearing <u>MAY</u> be granted if there is ne wly discovered evidence that could affect the outcome of the original hearing decision.
- A reconsideration **MAY** be granted for any of the following reasons:
 - misapplication of manual policy or law in the hearing decision,

- typographical errors, mathematical error, or other obvious errors in the hearing decision that effect the substantial rights of the claimant:
- the failure of the ALJ to addres s other relevant issues in the hearing decision.

Request must be submitted through the loc al DHS office or directly to MAHS by mail at

Michigan Administrative Hearings Reconsideration/Rehearing Request P. O. Box 30639 Lansing, Michigan 48909-07322

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