

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

IN THE MATTER OF:



Reg. No.: 2012-64600
Issue No.: 2009; 4031
Case No.: [REDACTED]
Hearing Date: October 24, 2012
County: Van Buren

ADMINISTRATIVE LAW JUDGE: Vicki L. Armstrong

HEARING DECISION

This matter is before the undersigned Administrative Law Judge upon Claimant's request for a hearing made pursuant to Michigan Compiled Laws 400. 9 and 400.37, which govern the administrative hearing and appeal process. After due notice, a telephone hearing was commenced on October 24, 2012, from Lansing, Michigan. Claimant personally appeared and testified. Participants on behalf of the Department of Human Services (Department) included General Services Program Manager [REDACTED] [REDACTED].

ISSUE

Did the department properly determine Claimant's disability status for State Disability Assistance (SDA) eligibility purposes?

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 January 10, 2012, Claimant applied for SDA.
2. On February 10, 2012, the department's State Hearing Review Team (SHRT) issued a prehearing denial of Claimant's application.
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 documents were submitted to SHRT for a post-hearing review.
5. On February 27, 2013, SHRT reversed its earlier denial of Claimant's disputed SDA application based on a Fully Favorable

Social Security Decision, with an established onset date of 08/10/12.

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 Mich Admin Code, Rules 400.3151-400.3180. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Reference Tables Manual (RFT).

In the present case, SHRT reversed its earlier finding of lack of disability based on the SSA's disability allowance, received while Claimant's appeal was pending, currently establishing Claimant is disabled and approved Claimant's SDA based on Vocational Rule 201.14.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides the department, through SHRT, properly determined Claimant's disability status upon consideration of the Fully Favorable Social Security Disability decision reviewed for the first time after the hearing.

Accordingly, the department's decision is **AFFIRMED**, and it is ORDERED that:

1. The department shall approve SDA benefits effective January, 2012 for Claimant as long as he is otherwise eligible to receive them.
2. The department shall review Claimant's medical condition for continuing SDA benefits in March, 2014.
3. The department shall obtain updated medical evidence from Claimant's treating physicians, physical therapists, pain clinic notes, etc. regarding his continued treatment, progress and prognosis at review.

It is SO ORDERED.

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

Date Signed: March 4, 2013

Date Mailed: March 4, 2013

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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