

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

IN THE MATTER OF:



Reg. No: 20125333
Issue No: 2009, 4031
Case No: [REDACTED]
Hearing Date: January 24, 2012
Macomb County DHS

ADMINISTRATIVE LAW JUDGE: Kevin Scully

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9; MSA 16.409 and MCL 400.37; MSA 16.437 upon Claimant's request for a hearing to protest the Department's denial of Medical Assistance (MA) and State Disability Assistance (SDA). After due notice, a telephone hearing was held on Tuesday, January 24, 2012.

ISSUE

Whether Claimant meets the disability criteria for Medical Assistance (MA) 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 a material fact:

1. On August 25, 2011, the Claimant applied for Medical Assistance (MA) based on disability, and State Disability Assistance (SDA).
2. On September 23, 2011, the Medical Review Team (MRT) determined that the Claimant did not meet the disability standard for Medical Assistance (MA) and State Disability Assistance (SDA) because it determined that the Claimant is capable of performing other work despite his impairment.
3. On December 12, 2011, the State Hearing Review Team (SHRT) upheld the Medical Review Team's (MRT) denial of Medical Assistance (MA) and State Disability Assistance (SDA).
4. The Claimant submitted additional medical records on December 12, 2011. After further review, SHRT approved Claimant's claim of disability on January 12, 2012.

CONCLUSIONS OF LAW

The Medical Assistance (MA) program is established by the 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 (formerly known as the Family Independence Agency) 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).

The State Disability Assistance (SDA) program which provides financial assistance for disabled persons is established by 2004 PA 344. The Department of Human Services (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).

Because of the SHRT determination, it is not necessary for the Administrative Law Judge to discuss the issue of disability, per Program Administrative Manual, Item 600. The Department is required to initiate a determination of Claimant's financial eligibility for the requested benefits, if not previously done. The Claimant is eligible for MA-P and SDA based on the Claimant's August 25, 2011, application for assistance.

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 and State Disability Assistance (SDA) based on the Claimant's August 25, 2011, application.

Accordingly, the Department is ORDERED to initiate a review of the August 25, 2011, 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.

/s/
Kevin Scully
Administrative Law Judge
For Maura D. Corrigan, Director
Department of Human Services

Date Signed: February 1, 2012

Date Mailed: February 1, 2012

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.

KS/tb

cc:

