

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201267659
Issue No.: 2009; 4031
Case No.: [REDACTED]
Hearing Date: December 6, 2012
County: Kent

ADMINISTRATIVE LAW JUDGE: Janice G. Spodarek

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 to protest the denial of Claimant's application for Medical Assistance (MA) and State Disability Assistance (SDA). After due notice, a telephone hearing was held on December 26, 2012. Participants on behalf of Claimant included [REDACTED] representative. Participants on behalf of Department of Human Services (DHS) included [REDACTED], [REDACTED] and [REDACTED].

ISSUE

Whether Claimant meets the disability criteria for MA and continuing 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 2/8/12, Claimant reapplied for MA-P with the Michigan Department of Human Services (DHS). Continuing eligibility for Claimant's SDA is being reviewed herein.
2. Claimant applied for 3 months of retro MA.
3. On 7/16/12, MRT denied MA-P and continuing SDA eligibility.
4. On 7/16/12, the department issued notice.
5. On 7/27/12, the DHS failed to reinstate Claimant's SDA pending the outcome of the hearing. At the administrative hearing, the DHS stipulated

it will immediately reinstate Claimant's SDA, back to the date of closure, and continuing.

6. On 9/24/12, SHRT denied Claimant.
7. At the conclusion of the hearing, the record was held open at Claimant's request for the submission of additional medical records. Claimant has evidently applied and reapplied a number of times. The local office has combined some of these new application's new medical documents with the new medicals for which the record was being held open herein. The evidentiary record is confusing with regards to what was initial agreed upon at the administrative hearing. The new medical documents which constitute over 1000 pages was sent back to SHRT for a review.
8. On 1/17/13, SHRT once again denied Claimant.
9. Pursuant to a subsequent review and resubmission of medicals, on 5/17/13 SHRT issued a decision approving Claimant based on an MRT decision date 5/8/13. SHRT's decision states:

The MRT's decision dated 5/8/13 is being adopted as it is fully favorable. Therefore, MA-P and retroactive benefits are approved back 7/2012 per MRT decision. The MRT's medical review date 5/2014 is also adopted.

10. The undersigned administrative law Judge (ALJ) does not have the 5/8/13 MRT approval in the evidentiary packet, but assumes the SHRT decision is valid and credible and contains the necessary verification. Based upon the DHS's description of the hearing exhibits, the undersigned ALJ finds that Claimant stipulated to a subsequent application date being the date for which she request review - 10/5/12 giving Claimant retro back to 7/2012.

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 Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) 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 (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).

Because of the MRT determination, and the apparent stipulation by Claimant to have a subsequent application date at issue for review herein - 10/5/12 including 3 months of retro, it is not necessary for the Administrative Law Judge to discuss the issue of disability as to any other months, per PAM, Item 600.

The undersigned ALJ has reviewed the evidentiary packet and finds that Claimant is eligible for continuing SDA without interruption.

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 MA- P programs as of the 10/15/12 application date, including any retro MA months, if otherwise eligible, and as permitted under policy and procedure.

Claimant is eligible for continuing SDA benefits without interruption. Claimant continues to receive benefits.

It is so ORDERED that the DHS shall review this case with in accordance with the MRT recommendations regarding a review date - 5/2012 per the SHRT decision of 5/15/13.

It is so ORDERED.

/s/

Janice G. Spodarek
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: 6/13/13

Date Mailed: 6/13/13

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.

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

- A rehearing **MAY** be granted if there is newly 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 address other relevant issues in the hearing decision

Request must be submitted through the local DHS office or directly to MAHS by mail at
Michigan Administrative Hearings
Reconsideration/Rehearing Request
P.O. Box 30639
Lansing, Michigan 48909-07322

JGS/tb

cc:

