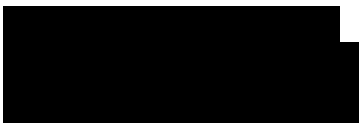


STATE OF MICHIGAN
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:



Reg. No.: 2012-72001
Issue No.: 2009;4031
Case No.: [REDACTED]
Hearing Date: November 28, 2012
County: Cheboygan

ADMINISTRATIVE LAW JUDGE: Marya A. Nelson-Davis

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 hearing was held on November 28, 2012. The record was held open to allow Claimant to submit additional medical documentation.

ISSUE

Does Claimant meet the disability standard for Medical Assistance based on disability (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 March 27, 2012, Claimant applied for MA-P and SDA benefits.
- (2) On August 1, 2012, the Medical Review Team (MRT) denied Claimant's request for MA-P and SDA benefits.
- (3) On August 6, 2012, the department notified Claimant that he was denied MA-P and SDA benefits.
- (4) On August 17, 2012, the department received Claimant's hearing request, protesting the denial of MA-P and SDA benefits.
- (5) The State Hearing Review Team (SHRT) upheld the denial of MA-P and SDA benefits on October 2, 2012.

- (6) At the conclusion of the hearing, the record was held open, at Claimant's request, for the submission of additional medical records.
- (7) The additional medical records were received and sent back to SHRT.
- (8) On June 4, 2013, SHRT approved Claimant for MA-P retro to January 2011, and SDA benefits.

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 Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Bridges Reference Manual (BRM).

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 Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Bridges Reference Manual (PRM).

Current legislative amendments to the Act delineate eligibility criteria as implemented by agency policy set forth in program manuals.

2000 PA 294, Sec. 604, of the statute states:

Sec. 604 (1) The department shall operate a state disability assistance program. Except as provided in subsection (3), persons eligible for this program shall include needy citizens of the United States or aliens exempted from the Supplemental Security Income citizenship requirement who are at least 18 years of age or emancipated minors meeting 1 or more of the following requirements:

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

Because of the SHRT determination, it is not necessary for the Administrative Law Judge to discuss the issue of disability, per BAM 600. The agency 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 as of January 2011.

Accordingly, the agency is ORDERED to initiate a review of the March 27, 2012 MA-P and SDA application, if it has not already done so, to determine if all other non-medical eligibility criteria are met. The agency shall inform the claimant of the determination in writing.

/s/

Marya A. Nelson-Davis
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: June 6, 2013

Date Mailed: June 6, 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.

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:

2012-72001/MAND

- 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

MAND/las

cc:

