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

IN THE MATTER OF:



 Reg. No:
 2012-276592

 Issue No:
 2009;2014;4031

 Case No:
 April 23, 2013

 Macomb-12 County DHS
 April 23, 2013

ADMINISTRATIVE LAW JUDGE: Landis Y. Lain

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon claimant's request fo r a hearing t o protest the denial of claimant's application for MA. After the unotice, a telephone h earing was held on April 3, 2013. Claimant pers onally appeared and testified. The department w as represented at hearing by Eligibility Specialist,

<u>ISSUE</u>

Whether the claimant meets the disability criteria for Medical Assistance (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 June 6, 2012, claimant filed an application fo r Medical Assistance and State Disability Assistance benefits alleging disability.
- 2. On August 22, 2012, the M edical Review Team denied claimant's application stating that claimant's impairments lacked duration.
- 3. On August 29, 2012, the department caseworker sent claimant notice that his application was denied.
- 4. On September 11, 2012, claimant filed a request for a hearing to contest the department's negative action.
- 5. On October 23, 2012, the State Hearing Review Team approved claimant's application stating in its analysis and recommendation: adopting the

SSA/DDS Title II determination. The onset of disability is to the onset of the claimant's severe condition, prior to the date of ons et, the ev idence does not support the presence of a seve re impairment. The claimant was approved for Social Security Disability benefits on September 21, 2012 and is currently in payment status. Therefore, MA-P and retroactive MA-P ar e approved effective May 8, 2012. SD A is approved per BEM 261. No medical review is necessary due to the SSA allowance.

6. An SOLQ from the So cial Security Administrati on indicates that claimant does have RSDI with a disability onset date of May 8, 2012.

CONCLUSIONS OF LAW

The State Disability A ssistance (SDA) program which prov ides financial as sistance for disabled persons is established by 2004 PA 344. The Department of Hum an Services (DHS or department) administers the SDA program pursuant to MCL 400.10, *et seq.*, and MAC R 400.3151-400.3180. D epartment polic ies are found in t he Program Administrative Manual (BAM), the Program Eligibility Manual (BEM) and the Program Reference Manual (PRM).

The Medical Assistance (MA) program is estab lished by Title XI X of the Social Sec urity Act and is implemented by Title 42 of the C ode 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).

Because of the SHRT determination, it is not necessary for the Administrative Law Judge to discuss the issue of disability, per BAM, Item 600.

Because of the Social Security Administration determination, it is not necess ary for the Administrative Law Judge to discuss the issue of disability. PEM, Item 260.

A person eligible for retirement, survivors a nd disability insurance (RSDI) benefits bas ed on his dis ability or blindness meets the dis ability or blindness crit eria. Disab ility or blindness starts from the RSDI disability o nset date establis hed by the So cial Security Administration (SSA). This inclu des a pers on whose entire RSDI benefit is being with child for recruitment. No other evidence is required. BEM, Item 260, Page 1.

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 dis abled under the Medical As sistance Program as of the Social Sec urity Administration determination of

disability onset date of May 8, 2012, and the State Disability Assistance Program as of the June 6, 2012 application date.

Accordingly, the department is **ORDERED** to initiate a review of the application if it is 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.

A medical review should be scheduled for Apr il, 2014. The department should check to see if claimant is in current payment status or not. If the claimant is in current payment status at the medical review no further action will be necessary. However, if the claimant is not in c urrent payment st atus at the medical review, the department is to obtain updated application forms (DHS49) and obtain updated medical records.

It is ORDERED that t he department shall review this case in one year from the date of this Decision and Order.

Landis

<u>/s/</u>

Y. Lain Administrative Law Judge for Maura D. Corrigan, Director Department of Human Services

Date Signed: April 30, 2013

Date Mailed: April 30, 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 reconsider ation on the Department's motion where the final decisi on cannot be implement ed 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 Decis ion and Order or, if a timely request for r ehearing 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 newly disc overed 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,

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- 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

CC:			