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

IN THE MATTER OF:

Reg. No: 2013-10472 Issue No: 2009;4031

Case No:

Hearing Date: February 19, 2013

Wexford County DHS

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 to protest the denial of claimant's application for MA. After due not ice, a telephone hear ing was held on February 19, 2013. Claimant personally appeared and testified.

<u>ISSUE</u>

Whether claimant meets the di sability criteria for Medica I 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 August 20, 2012, claimant fi led an application for Medical Assistance and State Disability Assistance benefits alleging disability.
- On October 4, 2012, the Me dical Review Team denied c laimant's application stating that claimant c ould perform other work pursuant to Medical Vocational Rule 202.14.
- 3. On October 30, 2012, the department caseworker sent claimant notice that his application was denied.
- 4. On November 7, 2012, claimant filed a request for a hearing to contest the department's negative action.
- 5. On January 3, 2013, the State Hearin g Re view Team again denied claimant's application.

6. On January 25, 2013, the Social Security Administration issued a fully favorable decision on claimant's behalf with a disability onset date of September 2, 2011.

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 based 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 includes a person 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 disabled under the Medical Assistance Program as of the disability on set date and the State Disability Assistance Program as of the August 20, 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 March, 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 current payment status 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

Y. Lain

Administrative Law Judge

for Maura D. Corrigan, Director

Department of Human Services

Date Signed: February 25, 2013

Date Mailed: February 25, 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 **MAY** 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,
 - 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

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