

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

IN THE MATTER OF:

[REDACTED]

Reg. No: 201310513
Issue No: 2009; 4031
Case No: [REDACTED]
Hearing Date: February 27, 2013
Berrien County DHS

ADMINISTRATIVE LAW JUDGE: William A. Sundquist

HEARING DECISION

This matter is before the undersigned Administrative Law Judge upon Claimant's request for a hearing made pursuant to MCL 400.9; and MCL 400.37. After due notice, a telephone hearing was held on February 27, 2013. Participants on behalf of Claimant included [REDACTED]. Participants on behalf of the Department of Human Services (Department) included [REDACTED] and [REDACTED]. At the conclusion of the hearing, the record was held open at Claimant's request for the submission of additional of additional medical records. Medical records were received and submitted to the State Hearing Review Team (SHRT) in accordance with policy as articulated in Bridges Administrative Manual (BAM) 600 (August 1, 2012).

During the hearing, the Claimant waived the statutory time standards for the issuance of this decision in order to allow for the submission of additional medical records. The evidence was received and forwarded to the State Hearing Review Team ("SHRT") for consideration in accordance with policy as articulated in Bridges Administrative Manual (BAM) 600 ().

On May 10, 2013, this office received the SHRT determination which approved the Claimant for continuing Medical Assistance based on disability ("MA-P"/"SDA").

ISSUE

Whether the Department properly determined that the Claimant was not disabled for purposes of the Medical Assistance ("MA-P") and State Disability Assistance ("SDA") benefit programs?

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 November 2, 2013 the Department of Human Services (Department) received Claimant's application for MA-P and SDA benefits.
2. On October, 2012, the Medical Review Team (MRT) determined that Claimant did meet the disability standard for MA-P benefits.
3. On November 2, 2012, the Department sent Claimant written notice that Claimant was denied continuing MA-P and SDA benefits.
4. On November 8, 2012, the Department received Claimant's hearing request, protesting the denial of MA-P and SDA benefits.
5. SHRT approved Claimant's claim of disability after receiving the additional medical documentation and scheduled a medical review date for June, 2016.

CONCLUSIONS OF LAW

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 (BRM).

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).

Because of the SHRT determination of disability, it is not necessary for the Administrative Law Judge to discuss the issue of disability, per Bridges Administrative Manual 600. The Department 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 finds that the Claimant meets the definition of medically disabled for purposes of the MA-P and SDA programs.

Accordingly, it is ORDERED:

1. The Department's determination that the Claimant is not disabled is not upheld.

2. The Department shall initiate processing of the Claimant's continuing eligibility for MA-P and SDA benefits and determine if all other non-medical criteria are met pursuant to Department policy based on the SHRT determination.
3. The Department shall notify the Claimant of the determination in accordance with Department policy.
4. The Department shall supplement for lost benefits (if any) that the Claimant was entitled to receive if otherwise eligible and qualified in accordance with Department policy.

William

/s/

A. Sundquist
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: June 3, 2013

Date Mailed: June 3, 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 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.

WAS/hj

cc:

