

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

IN THE MATTER OF:



Reg. No.: 201365288
Issue No(s): 2014, 4013
Case No.: [REDACTED]
Hearing Date: November 21, 2013
County: Lapeer

ADMINISTRATIVE LAW JUDGE: Darryl T. Johnson

HEARING DECISION

Following Claimant's request for a hearing, this matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and 400.37; 7 CFR 273.15 to 273.18; 42 CFR 431.200 to 431.250; 45 CFR 99.1 to 99.33; and 45 CFR 205.10. After due notice, a telephone hearing was held on November 21, 2013, from Lansing, Michigan. Participants on behalf of Claimant included the Claimant, [REDACTED]. Participants on behalf of the Department of Human Services (Department) included [REDACTED], Family Independence Specialist.

ISSUE

Did the Department properly deny Claimant's application for State Disability Assistance (SDA) and defer a decision on his application for Medicaid (MA)?

FINDINGS OF FACT

The Administrative Law Judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:

1. Claimant applied for SDA and MA on July 17, 2013.
2. Claimant's application for SDA was denied on August 12, 2013, because the Department determined he had excess income from employment.
3. The Department referred Claimant's MA application to the Medical Review Team (MRT) for a determination of Claimant's disability.
4. Claimant was dismissed from his employment on August 22, 2013 and is no longer employed.

5. On October 23, 2013, the MRT requested additional tests in order to make a determination on Claimant's disability.
6. Claimant submitted to the additional tests.
7. The MRT is awaiting a psychological evaluation of Claimant to make a final determination.

CONCLUSIONS OF LAW

Department policies are contained in the Department of Human Services Bridges Administrative Manual (BAM), Department of Human Services Bridges Eligibility Manual (BEM), Department of Human Services Reference Tables Manual (RFT), and Department of Human Services Emergency Relief Manual (ERM).

The Medical Assistance (MA) program is established by the Title XIX of the Social Security Act, 42 USC 1396-1396w-5, and is implemented by 42 CFR 400.200 to 1008.59. The Department of Human Services (formerly known as the Family Independence Agency) administers the MA program pursuant to MCL 400.10 and MCL 400.105.

The State Disability Assistance (SDA) program is established by the Social Welfare Act, MCL 400.1-119b. The Department of Human Services (formerly known as the Family Independence Agency) administers the SDA program pursuant to MCL 400.10 and Mich Admin Code, R 400.3151-.3180.

In the instant matter, Claimant was denied SDA because he was working at the time of his application and earned income is considered when determining eligibility for SDA. BEM 505. He was earning [REDACTED] per hour, and working 20-24 hours per week. At a minimum, he was earning [REDACTED] per week, which is the equivalent of [REDACTED] per month. Claimant agreed that his income exceeded the limit that was allowed for a SDA applicant. After he was fired on August 22, 2013 from his job with the [REDACTED], however, he had no income and the Department agreed that he was then eligible for SDA.

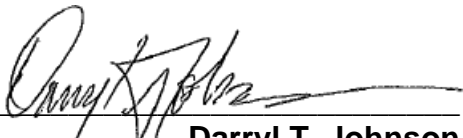
The other issue at hand is Claimant's application for MA. The parties agree that the Claimant's application for MA cannot be resolved until the Medical Review Team (MRT) has made a determination of whether he is in fact disabled. Claimant was required by the MRT to submit to a psychological evaluation and an evaluation by a medical internist. He has been evaluated by both professionals. The internist has submitted his report to the MRT. The psychological evaluation has not yet been submitted. "To receive SDA, a person must be disabled, caring for a disabled person, or age 65 or older." BEM 261. "A person is disabled for SDA purposes if he: . . . Is certified as unable to work due to mental or physical disability for at least 90 days from the onset of the disability. . . ." Per BEM 260, "If the client is not eligible for RSDI based on disability or blindness: The Medical Review Team (MRT) certifies disability and blindness." There

is argument that Claimant is blind; the issue is whether he is disabled. Absent a certification of disability from the MRT, the Department cannot provide MA benefits to Claimant.

The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds that the Department acted in accordance with Department policy when it denied Claimant's application for cash assistance and when it deferred a decision on his application for Medicaid pending certification of disability by the MRT.

DECISION AND ORDER

Accordingly, the Department's decision is **AFFIRMED**.


Darryl T. Johnson
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: November 26, 2013

Date Mailed: November 26, 2013

NOTICE OF APPEAL: 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 or Reconsideration was made, within 30 days of the receipt date of the Decision and Order of Reconsideration or Rehearing Decision.

Michigan Administrative Hearing System (MAHS) 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. MAHS 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 (60 days for FAP cases).

A Request for Rehearing or Reconsideration may be granted when one of the following exists:

- Newly discovered evidence that existed at the time of the original hearing that could affect the outcome of the original hearing decision;
- Misapplication of manual policy or law in the hearing decision which led to a wrong conclusion;
- Typographical, mathematical or other obvious error in the hearing decision that affects the rights of the client;
- Failure of the ALJ to address in the hearing decision relevant issues raised in the hearing request.

The Department, AHR or the claimant must specify all reasons for the request. MAHS will not review any response to a request for rehearing/reconsideration. A request must be *received* in MAHS within 30 days of the date the hearing decision is mailed.

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The written request must be faxed to (517) 335-6088 and be labeled as follows:

Attention: MAHS Rehearing/Reconsideration Request

If submitted by mail, the written request must be addressed as follows:

Michigan Administrative Hearings
Reconsideration/Rehearing Request
P.O. Box 30639
Lansing, Michigan 48909-07322

DTJ/aca

cc:

