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

IN THE MATTER OF:



Reg. No: 2013-62445 Issue No: 2009; 4009 Case No:

Hearing Date: December 11, 2013

Kent County DHS

ADMINISTRATIVE LAW JUDGE: Landis Y. Lain

HEARING DECISION

Following Claimant's r equest for a hearing, this matter is before the undersigned Administrative Law J udge pursuant to MCL 400.9 and 400.37; 42 CFR 431.200 t o 431.250; and 45 CF R 205.10. After due notice, a telephone hearing was s cheduled to be held on December 11, 2013, from Lansing, Michigan. Participants on behalf of Claimant included Claimant. Participant s on behalf of the Department of Human Services (Department) included Assistance Ppay ments Supervisor and Family Independence Supervisor.

<u>ISSUE</u>

Whether 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 April 30, 2013, Claimant filed an app lication for Medical Assistance (MA-P) and State Disability Assistance benefits alleging disability.
- 2. On July 14, 2013, t he Medic al Revi ew Team denied Clai mant's applic ation stating that Claimant's impairments were non-exertional.
- 3. On July 22, 2013, the Department case worker sent Claimant notice that his application was denied.
- 4. On July 29, 2013, Claimant filed a request for a hearing to contest the Department's negative action.

- 5. On September 30, 2013, the Stat e Hearing Review Team again denied Claimant's application.
- 6. According to a Bridges SOLQ Repor t, the SSA ap proved Claimant for (RSDI) benefits with a disability onset date of January 31, 2012.

CONCLUSIONS OF LAW

The State Disability A ssistance (SDA) program which provides financial assistance for disabled persons is established by 2004 PA 344. The Department of Human Service s (DHS or Department) administers the SDA program pursuant to MCL 400.10, et seq., and MAC R 400.3151-400.3180. Department polic ies are found in the 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 XIX of the Social Sec urity 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 Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

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 and disability insurance (RSDI) benefits based on his dis ability or blindness meets the dis ability or blindness criteria. Disability or blindness starts from the RSDI disability onset date establis hed by the Social Security Administration (SSA). This includes a per son whose entire RSDI benefit is being with child for recruitment. No other evidence is required. BEM, Item 260, Page 1.

The Department is required to initiate a dete rmination of Claim ant'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 under the Medical Assistance Program as of the Social Security Administration disability onset date of January 31, 2012 and the State Disability Assistance Program as of April 30, 2013 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 fo r December 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 fur ther action will be ne cessary. 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 the Department shall review this case in one year from the date of this Decision and Order.

<u>/s/</u>

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

Date Signed: December 20, 2013

Date Mailed: December 26, 2013

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

Michigan Administrative Hearing Syst em (MAHS) may order a rehearing or reconsideration on either its own motion or at the request of a par ty within 30 days of the mailing date of this Dec ision and Order. MAHS will not order a rehearing or reconsideration on the Department's mo tion where the final decis ion 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 disc overed evidence that existed at the time of the or iginal 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.

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

LYL/tb

cc: