

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

IN THE MATTER OF:

[REDACTED]

Reg. No: 2013-12119
Issue No: 2009; 4031
Case No: [REDACTED]
Hearing Date: March 6, 2013
Dickinson County DHS

ADMINISTRATIVE LAW JUDGE: Janice Spodarek

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9; and MCL 400.37; upon claimant's request for a hearing to protest the denial of claimant's application for Medical Assistance (MA) and State Disability Assistance (SDA). After due notice, a telephone hearing was held on March 6, 2013.

ISSUE

Whether claimant meets the disability criteria for MA and 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 10/3/2012, claimant applied for MA-P and SDA with the Michigan Department of Human Services (department).
2. On 11/5/2012, MRT denied.
3. On 11/9/2012, the department issued notice.
4. On 11/20/2012, claimant filed a hearing request.
5. On 1/15/2013, SHRT denied claimant.
6. At the administrative hearing, claimant submitted a letter from [REDACTED] indicating he has been approved his [REDACTED] claim effective September, 2012. The letter is dated 2/12/2013.
7. There are no months left for a substantive review in the case herein.

CONCLUSIONS OF LAW

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 (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 Program Reference Manual (PRM).

The State Disability Assistance (SDA) program which provides financial assistance for disabled persons is established by 2004 PA 344. The 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 BAM, BEM and PRM.

Because of the [REDACTED] determination, it is not necessary for the Administrative Law Judge to discuss the issue of disability. BEM, Item 260; BEM, Item 261.

The department is required to initiate a determination of claimant's financial eligibility for the requested benefits, if required by department policy and procedure.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that claimant meets the definition of medically disabled under the MA and SDA programs as of the 10/3/2012 application date, including any retro MA months, if otherwise eligible, and as permitted under policy and procedure.

Accordingly, the department's denial is hereby **REVERSED**.

The department shall review this case in accordance with its usual policy and procedure.

/s/ _____
Janice G. Spodarek
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: 3/18/13

Date Mailed: 3/25/13

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 receipt 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.

Claimant may request a rehearing or reconsideration for the following reasons:

- A rehearing **MAY** be granted if there is newly discovered 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

JGS/pf

cc:

