

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201313845
Issue No.: 2009; 4031
Case No.: [REDACTED]
Hearing Date: March 27, 2013
County: Iosco

ADMINISTRATIVE LAW JUDGE: Janice G. 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 27, 2013. Participants on behalf of Claimant included [REDACTED], and [REDACTED], witness. Participants on behalf of Department of Human Services (DHS) included [REDACTED], ES.

ISSUE

Is Claimant eligible for continuing MA and SDA at review?

FINDINGS OF FACT

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

1. Claimant was previously MA and SDA with the Michigan Department of Human Services. In 10/2012, Claimant's cases were scheduled for review.
2. There is no retro MA issue herein.
3. On 10/25/12, MRT denied continuing eligibility.
4. On 11/13/12, the department issued notice of proposed closure.
5. On 11/21/12, Claimant filed a timely hearing request. The Department reinstated the cases pending outcome of the hearing.
6. On 1/30/13, SHRT denied Claimant.

7. At the conclusion of the hearing, the record was held open at Claimant's request for the submission of additional medical records. Medical records were received and submitted to the State Hearing Review Team (SHRT). Prior to SHRT returning the file, on 7/9/13 the undersigned ALJ received a fax from the local office verifying pursuant to [REDACTED] that Claimant received a fully favorable decision on her SSI application with SSA. Claimant's disability onset date is identified as 12/1/11. There are no months to review.

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 (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).

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 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 necessary for the Administrative Law Judge to discuss the issue of disability. PEM, Item 260; PEM, Item 261.

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

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 continuing disability under the MA and SDA programs as of the 10/2012 review date, if otherwise eligible, and as permitted under policy and procedure.

Accordingly, the department's proposed closure is hereby **REVERSED**.

It is ORDERED that the department shall review this case in one year from the date of this Decision and Order.

/s/

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

Date Signed: 7/16/13

Date Mailed: 7/16/13

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.

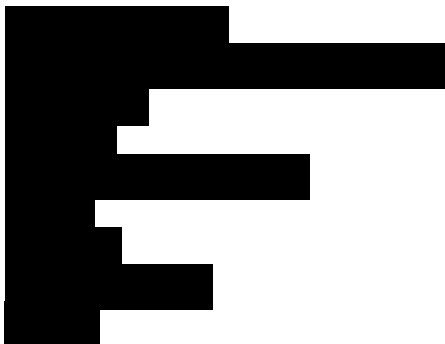
Claimant may request a rehearing or reconsideration for the following reasons:

- 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/tb

cc:

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