

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

IN THE MATTER OF:



Reg. No.: 201335846
Issue No.: 2006, 4003
Case No.: [REDACTED]
Hearing Date: June 20, 2013
County: Wayne County (#57)

ADMINISTRATIVE LAW JUDGE: MICHELLE HOWIE

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 following Claimant's March 14, 2013 request for a hearing. After due notice, a telephone hearing was conducted on Thursday June 20, 2013 from Detroit, Michigan. The Claimant appeared and testified. Participant on behalf of Department of Human Services (Department) was [REDACTED] (Eligibility Specialist).

ISSUE

Whether the Department properly denied the Claimant's application for Medical Assistance (MA) and State Disability Assistance (SDA) benefits?

FINDINGS OF FACT

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

1. On February 19, 2013, the Department received Claimant's application for MA and SDA benefits.
2. On February 21, 2013, the Department initiated processing of the application and sent Claimant a verification checklist (VCL) requesting medical documentation due by March 4, 2013. (Exhibit 1)
3. On February 26, 2013, the Claimant resubmitted the same medical documentation he previously submitted with his June 27, 2012 application; along with a medical

form he completed himself that should have been completed by his doctor. (Exhibits 4 & 5)

4. On October 4, 2012, the Medical Review Team denied Claimant's June 7, 2012 MA/SDA application based on disability using the same medical documentation. (Exhibits 2 & 3).
5. On March 8, 2013, the Department sent Claimant Notice of Case Action denying Claimant's MA/SDA application.
6. On March 14, 2013, the Department received Claimant's written hearing request disputing the Department action.

CONCLUSIONS OF LAW

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

The Medical Assistance (MA) program is established by the 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 (formerly known as the Family Independence Agency) administers the MA program pursuant to MCL 400.10, *et seq.*, and MCL 400.105.

The State Disability Assistance (SDA) program, which provides financial assistance for disabled persons, is established by 2004 PA 344. The Department of Human Services (formerly known as the Family Independence Agency) administers the SDA program pursuant to MCL 400.10, *et seq.*, and 2000 AACS, R 400.3151 through R 400.3180. To receive SDA, a person must be disabled, caring for a disabled person, or age 65 or older.

In determining eligibility for MA and SDA based on disability a client must provide the Department with proof of disability. For SDA purposes, a person is considered disabled if the person receives other specified disability-related benefits or services (such as RSDI or SSI benefits); Resides in a qualified Special Living Arrangement facility; or Is certified as unable to work due to mental or physical disability for at least 90 days from the onset of the disability; Is diagnosed as having Acquired Immunodeficiency Syndrome (AIDS). When the person does not meet one of the specified criteria the Department is required to obtain medical evidence of the alleged disability and submit it to the Disability Examiner (DE) for a determination. The DE will review the medical evidence and either certify or deny the disability claim based on the medical evidence.

For either program the Department will not refer a client for a medical determination if the case contains a valid Medical Review Team (MRT) certification. The definition of valid includes the Claimant's condition is the same. BAM 815 (March 2013).

In this case, the Claimant submitted an application for MA/SDA in June 2012 that was submitted to the Medical Review Team (MRT) with medical documentation. On October 4, 2012, an MRT certification was issued denying Claimant as disabled for both programs. On February 19, 2013, Claimant submitted another application for MA/SDA. He did not provide any new medical document but the same medical evidence he previously submitted with the June 27, 2012 application. The Department did not refer Claimant's application to MRT because there was a valid MRT certification in the case that was issued October 4, 2012, based on the same condition. Based on the record, Department established it acted in accordance with policy when it denied Claimant's February 19, 2013 application for MA/SDA. Claimant may reapply if circumstances change and he provides additional medical evidence.

Accordingly, the Department's action is UPHeld.

DECISION AND ORDER

The Administrative Law Judge, based upon the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, finds that the Department did act properly when denied Claimant's February 19, 2013 MA/SDA application.

Accordingly, the Department's MA and SDA determination is hereby, **AFFIRMED**.



Michelle Howie
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: 6/28/2013

Date Mailed: 6/28/2013

NOTICE: 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)

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

MH/hw

cc:

