

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2013-7105
Issue No.: 2009; 4031
Case No.: [REDACTED]
Hearing Date: February 14, 2013
County: St. Joseph

ADMINISTRATIVE LAW JUDGE: Vicki L. Armstrong

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 following Claimant's request for a hearing. After due notice, a hearing was held on February 14, 2013, from Lansing, Michigan. Participants on behalf of Claimant included his mother, [REDACTED]. Participants on behalf of Department of Human Services (Department) included [REDACTED].

ISSUE

Did the Department properly deny Claimant's application for Medical Assistance (MA-P), Retro-MA and State Disability Assistance (SDA)?

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 December 20, 2011, Claimant applied for MA/Retro-MA and SDA based on disability.
2. On May 7, 2012, the Medical Review Team (MRT) denied Claimant's application indicating Claimant was capable of performing other work. SDA was denied due to lack of duration. (Dept Ex. 12-13).
3. On May 18, 2012, the department mailed Claimant a Notice of Case Action indicating his application had been denied.
4. On August 15, 2012, the department received Claimant's Request for a Hearing.
5. On December 11, 2012, the State Hearing Review Team upheld the MRT decision denying Claimant's application for MA indicating Claimant retains the

capacity to perform a wide range of light work. SDA was denied because the nature and severity of Claimant's impairments would not preclude work activity at the above stated level for 90 days.

6. On February 14, 2013, Claimant's mother attended this hearing and testified that she was unaware of why she was in attendance and her son was presently incarcerated.
7. According to the Offender Tracking Information System for the Michigan Department of Corrections, Claimant was sentenced on August 31, 2012, and his earliest release date is May 1, 2015. (ALJ Ex. 1).

CONCLUSIONS OF LAW

Department 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 AACR, R 400.3151 through R 400.3180.

Departmental policy dictates that a person in a federal, state, or local correctional facility for more than 30 days is **not** eligible to receive MA or SDA benefits. BAM 804, p 1 (8/1/2011); BAM 804, p 1 (5/1/2012).

Accordingly, based on Claimant's present incarceration for more than 30 days, he is not eligible for the MA or SDA programs and no further analysis is indicated.

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 properly denied Claimant's application for MA/Retro-MA and SDA.

Accordingly, the Department's MA and SDA decision is **AFFIRMED** for the reasons stated on the record.

/s/
Vicki L. Armstrong
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: March 8, 2013

Date Mailed: March 8, 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

VLA/las

cc: 

