

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

IN THE MATTER OF:

██████████
██
██

Reg No: 20139172
Issue No: 2009, 4031
██████████ ██████████
Hearing Date: March 19,
2013
Oakland County DHS-02

ADMINISTRATIVE LAW JUDGE: Aaron McClintic

DECISION AND ORDER

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon the Claimant's request for a hearing. After due notice, a telephone hearing was held on March 19, 2013. The Claimant appeared and testified. The Department was represented by Charnetta Toteh, ES.

ISSUE

Did the Department properly deny Claimant's Medical Assistance application?

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 applied for MA-P and SDA on August 29, 2012.
2. The Medical Review Team denied the application on October 4, 2012.
3. Claimant filed a request for hearing on October 25, 2012, regarding the MA denial.
4. A telephone hearing was held on March 19, 2013.
5. On January 8, 2013, the State Hearing Review Team denied Claimant's appeal.
6. At hearing the record was extended to obtain updated medical records for the Claimant. Claimant agreed to this and waived timeliness standards.

7. The State Hearing Review Team approved benefits on June 28, 2013, effective May 2013, because Claimant was approved by the Disability Determination Service in June 2013.

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 Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Bridges Reference Manual (BRM).

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 Bridges Administrative Manual (BAM), the Program Eligibility Manual (BEM) and the Bridges Reference Manual (PRM).

The Department conforms to state statute in administering the SDA program. 2000 PA 294, Sec. 604, of the statute states:

- (1) The department shall operate a state disability assistance program. Except as provided in subsection
- (3), persons eligible for this program shall include needy citizens of the United States or aliens exempted from the supplemental security income citizenship requirement who are at least 18 years of age or emancipated minors meeting 1 or more of the following requirements:
 - (a) A recipient of supplemental security income, social security, or medical assistance due to disability or 65 years of age or older.
 - (b) A person with a physical or mental impairment which meets federal supplemental security income disability standards, except that the minimum duration of the disability shall be 90 days. Substance abuse alone is not defined as a basis for eligibility.

Department policy at BEM 260 states that if a claimant has been found eligible by the State Hearing Review Team, the person meets the Department's MA disability criteria. No other evidence is required to establish disability. In the present case, the claimant was found by the State Hearing Review Team and has presented prima facie evidence of the same. This disability was found by the State Hearing Review Team to be disabled as of May 2012. Therefore, the Administrative Law Judge finds that the

Claimant met the Department's definition of disabled for the purposes of MA-P and SDA.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Claimant is medically disabled as of May 2012 for the purposes of the SDA, MA and retroactive MA program, pending a review of all non-medical eligibility factors.

Accordingly, the Department's decision in the above stated matter is, hereby, **REVERSED**. The Department is ORDERED to process Claimant's SDA, Medicaid and Retroactive Medicaid applications of August 29, 2012, and initiate a review of all non-medical eligibility factors, if it has not already done so. The Department is further ORDERED to initiate a full review of this case in July 2014.



Aaron McClintic
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: **07/05/2013**

Date Mailed: **07/05/2013**

AM/pw

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