

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF: [REDACTED],
Claimant

Reg. No: 2008-16599
Issue No: 2009; 4031
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
September 10, 2008
Genesee County DHS

ADMINISTRATIVE LAW JUDGE: Landis Y. Lain

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. After due notice, a telephone hearing was held on September 10, 2008. Claimant personally appeared and testified. The record for this hearing was closed on March 2, 2010.

ISSUE

Whether claimant meets the disability criteria for Medical Assistance (MA-P) and State Disability Assistance (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 January 8, 2008, claimant filed an application for Medical Assistance and State Disability Assistance benefits alleging disability.

(2) On March 6, 2008, the Medical Review Team denied claimant's application stating that claimant could perform prior work.

(3) On February 7, 2008, the department caseworker sent claimant notice that her application was denied.

(4) On March 3, 2008, claimant filed a request for a hearing to contest the department's negative action.

(5) On May 22, 2008, the State Hearing Review Team denied claimant's application and requested additional medical information in the form of a complete physical examination and discharge summary from claimant's hospitalization.

(6) Additional information was submitted and sent to the State Hearing Review Team on February 19, 2010.

(7) On March 1, 2010, the State Hearing Review Team approved claimant for Medical Assistance and State Disability Assistance benefits stating in its analysis and recommendation: There is a Social Security Administration Administrative Law Judge's decision allowing the claimant benefits as they do not retain the ability to perform even sedentary tasks at this time. This decision was dated January 3, 2009 with an established date of onset of August 22, 2007. The claimant was approved for Social Security disability benefits on January 3, 2009 and is currently in payment status. Therefore, Medicaid-P and retroactive Medicaid-P are approved effective October 2007. State Disability is approved per PEM 261. No medical review

is necessary due to the SSA allowance. This case does need to be reviewed for continued benefits in March 2013. At review the following needs to be provided: Prior medical packets; DHS-49B, F, and G, DHS-49; and all hospital and test results and notes; all consultative examinations, including those purchased by the Social Security Administration/Disability Determination Service. Listing 1.02, 1.04 and 11.14 were considered in this determination.

(8) On the date of hearing, claimant was a 52-year-old woman whose birth date was [REDACTED]. Claimant was 5' 6" tall and weighed 142 pounds. Claimant attended the 11th grade and was able to read and write and did have basic math skills.

(9) Claimant alleges as disabling impairments: nerve pain in the back and right leg, left shoulder problems, and depression.

CONCLUSIONS OF LAW

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).

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).

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. The department is required to initiate a determination of claimant's financial eligibility for the requested benefits, if not previously done.

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 medically disabled under the Medical Assistance and State Disability Assistance programs as of the January 8, 2008 application date.

Accordingly, the department's decision is REVERSED. The department is ORDERED to initiate a review of the January 8, 2008 application, if it has not already done so, to determine if all other non-medical eligibility criteria are met. The department shall inform the claimant of the determination in writing. A medical review shall be conducted in compliance with the State Hearing Review Team's recommendation in March 2013.

/s/ _____
Landis Y. Lain
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: March 4, 2010

Date Mailed: March 4, 2010

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.

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The Claimant may appeal the Decision and Order to Circuit Court within 30 days of the mailing 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.

LYL/vmc

cc:

