

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: 2008-17335
Issue No: 2009; 4031
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
February 24, 2009
Berrien 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 February 24, 2009. Claimant personally appeared and testified. Claimant was represented at the hearing by [REDACTED]

ISSUE

Did the Department of Human Services (the department) properly deny claimant's application 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 November 26, 2007, claimant filed an application for Medical Assistance and State Disability Assistance benefits alleging disability.
- (2) On March 13, 2008, the Medical Review Team denied claimant's application stating that claimant could perform prior work.

(3) On March 17, 2008, the department caseworker sent claimant notice that her application was denied.

(4) On April 1, 2008, claimant filed a request for a hearing to contest the department's negative action.

(5) On May 29, 2008, the State Hearing Review Team denied claimant's application.

(6) The hearing was held on February 24, 2009. At the hearing, claimant waived the time periods and requested to submit additional medical information.

(7) Additional medical information was submitted and sent to the State Hearing Review Team on February 27, 2009.

(8) On March 10, 2009, the State Hearing Review Team again denied claimant's application stating that claimant's impairments do not meet/equal the intent or severity of a Social Security listing. The medical evidence of record indicates that claimant retains the capacity to perform a wide range of light work. In lieu of detailed work history, the claimant will be returned to other work. Therefore, based on the claimant's vocational profile of closely approaching advanced age at 51, 12th grade education and history of unskilled work, MA-P is denied using Vocational Rule 202.13 as a guide. Retroactive MA-P was considered in this case is also denied. SDA is denied per PEM 261 because the nature and severity of the claimant's impairments would not preclude work activity at the above stated level for 90 days.

(9) On April 2, 2009, claimant's representative provided the Administrative Law Judge with a fully favorable Social Security Administration decision dated [REDACTED] which indicated that claimant has been disabled under Section 1614(a)(3)(A) of the Social Security Act since [REDACTED]

(10) Claimant is a 51-year-old woman whose birth date is [REDACTED]. Claimant is 5' 9" tall and weighs 230 pounds. Claimant is a high school graduate and is able to read and write and does have basic math skills.

(11) Claimant last worked July 2007 as a scanner and sorter of freight. Claimant has also worked priming windows for autos, making auto parts and driving a school bus as well as doing home health care.

(12) Claimant alleges as disabling impairments: hypertension, heart trouble, fibromyalgia and arthritis as well as back pain, dizziness, adrenal tumor and headaches.

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 the State Disability Assistance programs as of the November 26, 2007 application date because she does have a disability onset date of [REDACTED] through the Social Security Administration.

Accordingly, the department's decision is REVERSED. It is ORDERED that the department is to initiate a review of the November 26, 2007 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 and shall open an ongoing Medical Assistance and State Disability Assistance benefit case if claimant is otherwise eligible and if claimant is otherwise eligible to pay to claimant any benefits to which she is entitled.

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

Date Signed: April 13, 2009

Date Mailed: April 14, 2009

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:

