

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.: 2008-20899
Issue No.: 2009, 4031
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date:
April 13, 2009
Wayne County DHS (58)

ADMINISTRATIVE LAW JUDGE: Colleen M. Mamelka

HEARING DECISION

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 hearing was conducted from Detroit, Michigan on April 13, 2009. The Claimant appeared and testified. The Claimant was represented by attorney [REDACTED]. [REDACTED] appeared on behalf of the Department. At the Claimant's request, the record was extended to allow for the submission of additional medical records.

On May 15, 2009, the additional evidence was received, reviewed, and forwarded to the State Hearing Review Team ("SHRT") for consideration. On July 21, 2009, the SHRT found the Claimant disabled retroactively effective from September 2007.

ISSUE

Whether the Department properly determined that the Claimant was not disabled for purposes of Medical Assistance ("MA") and State Disability Assistance ("SDA") programs?

FINDINGS OF FACT

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

1. The Claimant submitted a public assistance application seeking MA-P and SDA benefits on December 7, 2007.
2. On March 13, 2008, the Medical Review Team (“MRT”) determined the Claimant was not disabled finding the Claimant’s impairment(s) does not prevent employment for 90 days or more for SDA purposes, and finding the Claimant capable of performing other work for MA-P purposes. (Exhibit 1, pp. 1,2)
3. On March 18, 2008, the Department sent an eligibility notice to the Claimant informing her that her MA-P and SDA benefits were denied. (Exhibit 2)
4. On May 12, 2008, the Department received the Claimant’s Request for Hearing protesting the denial of benefits.
5. On June 30, 2008, the State Hearing Review Team (“SHRT”) found the Claimant not disabled. (Exhibit 3)
6. The Claimant’s alleged physical disabling impairments are due to chronic back pain, high blood pressure, abdominal pain, seizures, and ulcerative colitis.
7. The Claimant’s alleged mental disabling impairments are due to depression and mental retardation.
8. At the time of hearing, the Claimant was 47 years old with a [REDACTED] birth date; was 5’ 4” and weighed approximately 147 pounds.

9. The Claimant completed through the 11th grade in a special education program and has an employment history cooking at a daycare facility, a cashier, and as a general laborer, all of which were more than 15 years ago.
10. The Claimant's impairment(s) have lasted, or are expected to last, for a period of more than 12 months.
11. On July 21, 2009, the SHRT approved the Claimant's MA-P retroactively from September 2007 and SDA benefits.

CONCLUSIONS OF LAW

The Medical Assistance ("MA") program is established by Subchapter XIX of Chapter 7 of The Public Health & Welfare Act, 42 USC 1397, and is administered by the Department of Human Services ("DHS"), formally known as the Family Independence Agency, 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").

The State Disability Assistance ("SDA") program, which provides financial assistance for disabled persons, was established by 2004 PA 344. DHS administers the SDA program pursuant to MCL 400.10 *et seq.* and Michigan Administrative Code ("MAC R") 400.3151 – 400.3180. Department policies are found in PAM, PEM, and PRM. A person is considered disabled for SDA purposes if the person has a physical or mental impairment which meets federal SSI disability standards for at least ninety days. Receipt of SSI or RSDI benefits based on disability or blindness, or the receipt of MA benefits based on disability or blindness (MA-P) automatically qualifies an individual as disabled for purposes of the SDA program.

Because of the SHRT determination, it is not necessary for the Administrative Law Judge to discuss the issue of disability pursuant to PAM 600. The Claimant meets the SDA disability standard based on SHRT's determination the he meets the MA-P disability standard retroactively effective September 2007. Accordingly, the Department is required to initiate a determination of the Claimant's financial eligibility for the requested benefits, if not previously completed.

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 MA-P and SDA programs retroactively effective September 2007.

Accordingly, it is Ordered:

1. The Department shall initiate, if not previously completed, review of the the December 7, 2007 application to determine if all other non-medical criteria are met and inform the Claimant and her attorney of the determination.
2. The Department shall supplement the Claimant any lost benefits she was entitled to receive if otherwise eligible and qualified in accordance with department policy.
3. The Department shall review the Claimant's continued eligibility in July 2012.

/s/
Colleen M. Mamelka
Administrative Law Judge
For Ishmael Ahmed, Director
Department of Human Services

Date Signed: 08/11/09

Date Mailed: 08/12/09

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.

The Claimant may appeal the Decision and Order to the Circuit 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.

CMM/jlg

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