

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.: 2008-21432
Issue No.: 2009, 4031
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date:
January 26, 2009
Macomb County DHS (36)

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 telephone hearing was conducted from Detroit, Michigan on January 26, 2009. The Claimant appeared and testified. The Claimant was represented by [REDACTED]. [REDACTED] appeared on behalf of the Department. At the Claimant's request, the record was extended for further medical evidence to be submitted.

The additional records were received and forwarded to the State Hearing Review Team ("SHRT") for consideration. On March 23, 2009, the SHRT found the disabled pursuant to Medical-Vocational Guidelines 20 CFR 404, Subpart P, Appendix II, specifically Rule 201.12.

ISSUE

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

FINDINGS OF FACT

The Administrative Law Judge, based upon 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, Retro MA-P from December 2007, and SDA benefits on March 31, 2008.
2. On May 15, 2008, the Medical Review Team (“MRT”) determined the Claimant was not disabled finding the Claimant’s impairment(s) did not prevent employment of 90 days or more for SDA purposes, and found the Claimant capable of performing other work for MA-P purposes. (Exhibit 1, pp. 106-07)
3. On May 22, 2008, the Department sent the Claimant an eligibility notice informing him that he was found not disabled thus not eligible for MA-P and SDA benefits.
4. On May 23, 2008, the Department received the Claimant’s Request for Hearing protesting the determination that he was not disabled.
5. On June 30, 2008, the State Hearing Review Team (“SHRT”) found the Claimant not disabled based upon insufficient evidence. (Exhibit 3, pp. 1, 2)
6. The Claimant’s alleged physical disabling impairments are due to high blood pressure, coronary heart disease, diabetes, sleep apnea, asthma, and cellulitis.
7. The Claimant has not alleged any mental disabling impairments.
8. At the time of hearing, the Claimant was 51 years old with an [REDACTED] birth date; was 6’ 3” and weighed 290 pounds.
9. The Claimant is a high school graduate with an employment history as a salesperson and a night operations attendant.

10. The Claimant's impairments have lasted, or are expected to last, continuously for a 12-month period.
11. On March 23, 2009, the SHRT approved the Claimant's MA-P, Retro MA-P from December 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 effective

December 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 effective December 2007.

Accordingly, it is ORDERED:

1. The Department shall initiate, if not previously completed, review of the the March 31, 2008 application to determine if all other non-medical criteria are met and inform the Claimant and his authorized representative of the determination.
2. The Department shall supplement the Claimant any lost benefits he 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 April of 2011.

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

Date Signed 04/03/09

Date Mailed 04/03/09

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 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.

CMM/jlg

cc:

