

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: 2008-7583

Issue No: 2009; 4031

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

April 15, 2008

Wayne 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 April 15, 2008. Claimant personally appeared and testified.

ISSUE

Did the Department of Human Services (the department) properly determine that claimant was no longer eligible for Medical Assistance (MA-P) and State Disability Assistance (SDA) based upon medical improvement?

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 was a Medical Assistance and State Disability Assistance benefit recipient.

(2) On April 17, 2007, claimant's case became eligible for review.

(3) On July 30, 2007, the Medical Review Team denied claimant's continued application stating that claimant had medical improvement.

(4) On August 6, 2007, the department caseworker sent claimant notice that her case would be cancelled based upon medical improvement.

(5) On October 17, 2007, claimant filed a request for a hearing to contest the department's negative action.

(6) On February 12, 2008, the State Hearing Review Team denied claimant's application stating that it did not have sufficient information and requested a complete physical examination.

(7) On June 2, 2009, additional medical information was submitted and sent to the State Hearing Review Team for further review.

(8) On June 9, 2009, the State Hearing Review Team approved claimant's continued Medical Assistance and State Disability Assistance benefits stating that claimant has a vocational approval under 201.14 and stated that benefits are continued with no apparent medical improvement established.

(9) On the date of hearing claimant was a 52-year-old woman whose date of birth was [REDACTED]. Claimant was 5' 9" tall and weighed 240 pounds.

(10) Claimant attended one year of college and was able to read and write and did have basic math skills.

(11) Claimant last worked in June 2000 for the [REDACTED] as a census taker. Claimant also worked managing a jewelry store and managing an auto repair shop.

(12) As the result of a motor vehicle accident in [REDACTED], claimant has the following impairments: dizziness, blackouts, shoulder injury, hernia, asthma, hip problems,

hypertension, depression, a rotator cuff injury, and only limited use of the right hand as well as heart arrhythmia and knee problems.

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 SHRT determination it is not necessary for the Administrative Law Judge to discuss the issue of disability per Program Administrative Manual, Item 600. 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 2007 review date forward.

Accordingly, the department's decision is REVERSED. The department is ORDERED to initiate a review of the April 17, 2007 review application if it has not already done so to determine in all other non-medical eligibility criteria are met. The department shall inform the claimant of the determination in writing.

The department shall assist claimant in performing a medical review in June 2010. Claimant should provide a complete physical examination as well as a complete psychological workup for purposes of medical review.

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

Date Signed: July 14, 2009

Date Mailed: July 15, 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.

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:

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