

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:



Reg. No: 2009-21898
Issue No: 2009, 4031
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
July 08, 2009
Wayne County DHS (15)

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 July 08, 2009. Claimant personally appeared and testified.

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 August 14, 2008, claimant filed an application for Medical Assistance and State Disability Assistance benefits alleging disability.
- (2) On March 6, 2009, the Medical Review Team denied claimant's application stating that claimant could perform other work.
- (3) On March 17, 2009, the department case worker sent claimant notice that her application was denied.
- (4) On March 23, 2009, claimant filed a request for a hearing to contest the department's negative action.
- (5) On May 27, 2009, the State Hearing Review Team again denied claimant's application stating that it had insufficient evidence and requested an internist examination.

- (6) On January 3, 2011, this Administrative Law Judge received an SOLQ report from the Social Security Administration which indicates that claimant was approved for RSDI income with a disability onset date of June 6, 2008.
- (7) On the date of hearing claimant was a 50-year-old woman whose birth date is [REDACTED]. Claimant was 5'6" tall and weighed 190 pounds. Claimant had 2 years of college in Business and she was able to read and write and does have basic math skills.
- (8) Claimant last worked June 2008, as a general manager in Shipping and delivery. Claimant has also worked in insulation and store room delivery.
- (9) Claimant alleges as disabling impairments: degenerative disc disease, agoraphobia, anxiety, spinal cord injury, depression, stiffness in the arms, a metal plate in the neck, neck surgery, and a pinched nerve as well as post traumatic stress disorder and suicidal ideation, colitis and diverticulitis.

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 Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Program Reference Manual (PRM).

Because of the Social Security Administration determination it is not necessary for this Administrative Law Judge to discuss the issue of disability. BEM, Item 260; the department is required to initiate a determination of the 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 Program and the State Disability Assistance Program as of the August 14, 2008, application date.

Accordingly, the department's decision is REVERSED. The department is ORDERED to initiate a review of the August 14, 2008, Medical Assistance and State Disability Assistance 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 a determination in writing.

The department is ORDERED to conduct a medical review of claimant's eligibility in January 2012. At that time, the department shall determine whether or not claimant is still eligible to receive Social Security Administration benefits and if not, then shall assist claimant in providing updated medical information from 2010 and 2011.

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

Date Signed: January 5, 2011

Date Mailed: January 5, 2011

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.

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