

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: 2009-21906

Issue No: 2009; 4031

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

June 24, 2009

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 June 24, 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 June 3, 2008, claimant filed an application for Medical Assistance and State Disability Assistance benefits alleging disability.

(2) On February 4, 2009, the Medical Review Team denied claimant's application stating that claimant could perform other work pursuant to Medical Vocational Rule 202.22.

(3) On March 16, 2009, the department caseworker sent claimant notice that her application was denied.

(4) On March 26, 2009, claimant filed a request for a hearing to contest the department's negative action.

(5) On May 20, 2009, the State Hearing Review Team again denied claimant's application stating that it needed additional medical information.

(6) Additional medical information was submitted and sent to the State Hearing Review Team on July 13, 2009.

(7) On July 15, 2009, the State Hearing Review Team approved claimant for Medical Assistance and State Disability Assistance benefits as well as retroactive Medical Assistance benefits states that claimant meets/equals Listing 14.02 and stated in its comments that retro MA-P is approved effective April 2008 and a three year medical reexamination in July 2012 is recommended.

(8) Claimant is a 40-year-old woman whose birth date is [REDACTED]. Claimant is 5' 4" tall and weighs 138 pounds. Claimant attended one year of college and is able to read and write and does have basic math skills.

(9) Claimant last worked February 2007 sitting with the elderly and doing housekeeping at the hospital. Claimant has also worked as a customer service representative and for the post office sorting mail and a waitress and sales. Claimant is receiving Adult Medical Program and Food Assistance Program benefits and has been receiving Medical Assistance benefits until March 2008 when her son turned 18.

(10) Claimant alleges as disabling impairments: lupus, hypertension, Stage 3 kidney disease, hydrocephalus, joint and back pain, anemia, and depression.

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 the July 3, 2008 application date and meets the Medical Assistance and retroactive Medical Assistance benefit eligibility as approved effective April 2008.

Accordingly, the department's decision is REVERSED. The department is ORDERED to initiate a review of the July 3, 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 the determination in writing.

The department is ORDERED to conduct a medical reexamination in July 2012 as recommended by the State Hearing Review Team. At that time, claimant will provide all updated medical information.

/s/

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

Date Signed: July 31, 2009

Date Mailed: July 31, 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:

