

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: 2009-24340

Issue No: 2009; 4031

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

July 23, 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 July 23, 2009. Claimant personally appeared and testified.

ISSUE

Did the Department of Human Services (the department) properly determine that claimant was no longer eligible to receive Medical Assistance (MA-P) and State Disability Assistance (SDA) based upon its determination that claimant had 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) Claimant's case was scheduled for medical review March 2009.

(3) On April 9, 2009, the Medical Review Team denied claimant's continued Medical Assistance and State Disability Assistance benefits stating that claimant had medical improvement.

(4) On April 10, 2009, the department caseworker sent claimant notice that his application would be denied and his Medical Assistance and State Disability Assistance benefits would be cancelled.

(5) On April 21, 2009, claimant filed a request for a hearing to contest the department's negative action.

(6) On June 15, 2009, the State Hearing Review Team denied claimant's application stating that claimant had insufficient evidence.

(7) The hearing was held on July 23, 2009. At the hearing, claimant waived the time periods and requested to submit additional medical information.

(8) Additional medical information was submitted and sent to the State Hearing Review Team on October 19 and October 20, 2009.

(9) On October 22, 2009, the State Hearing Review Team approved claimant for continued Medical Assistance and State Disability Assistance benefits stating that claimant met the vocational approval of 201.01 and that at medical review in October 2012 the department was to obtain FIA-1552 SSI verification or equivalent and attach this prior medical file, obtain updated application forms, and obtain a complete physical examination by a licensed physician in narrative form.

(10) Claimant is a 56-year-old man whose birth date is [REDACTED]. Claimant is 5' 7" tall and weighs 130 pounds.

(11) Claimant attended the 11th grade and has no GED and is able to read and write and does have basic math skills.

(12) Claimant last worked in 1986 for the [REDACTED] as a landscaper. Claimant has also worked doing odds and ends jobs, cleaning gutters, patching wall, cleaning buildings, and doing roofing for approximately 30 years.

(13) Claimant alleges as disabling impairments: congestive heart failure, hypertension, hepatitis C, arthritis, shortness of breath, a bad heart valve, carpal tunnel syndrome in the right arm, bad sight, bad back, and pain in the right leg.

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 continues to be meet the definition of medically disabled under the Medical Assistance and the State Disability Assistance programs.

Accordingly, the department is ORDERED to initiate a review of the March 2009 review application, if it has not already done so, to determine is all other non-medical eligibility criteria are met. The department shall inform the claimant of the determination in writing.

The department shall conduct a medical review in October 2012 and shall obtain FIA-1552 SSI verification or equivalent, as well as updated application forms, and a complete physical examiantion by a licensed physician in narrative form as requested by the State Hearing Review Team.

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

Date Signed: November 2, 2009

Date Mailed: November 2, 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:

