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

IN THE MATTER OF:



Reg. No: 2009-26130 Issue No: 2009, 4031

Case No: Load No:

Hearing Date: August 5, 2009

Macomb County DHS (36)

ADMINISTRATIVE LAW JUDGE: Landis Y. Lain

HEARING DECISION

This matter is before the undersigned Admini strative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon claimant's request for a hearing. After due notic e, a telephone hearing was held on August 5, 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 January 12, 2009, claimant filed an application for Medical Assistance and State Disability Assistance benefits alleging disability.
- (2) On April 10, 2009, the Medical Review Team denied claimant's application stating that claimant's impairment's were non severe.
- (3) On April 10, 2009, the department case worker sent claimant notice that her application was denied.
- (4) On May 11, 2009, claimant filed a request for a hearing to contest the department's negative action.
- (5) On June 24, 2009, the State Hearing Review Team again denied claimant's application stating that claimant is capable of performing other work in the form of light work per 20 CFR 416.967(b) and unsk illed work

per 20 CFR 416.968(a) pursuant to Medi cal Vocational Rule 202.17 and commented that the claim ant's impairments do not meet/equal the intent or severity of a Social Security listing. The medical evidence of record indicates that the claimant retains the capacity to perform a wide range of light work. Therefore, based on claimant's vocational profile of a younger individual with a less than high school education MA-P is denied using Vocational Rule 202.17 as a guide. Retroac tive MA-P was considered in this case and is also denied. SDA is denied per PEM 261 because the nature and severity of the claim ant's impairment's would not preclude work activity at the above stated level for 90 days.

- (6) The hearing was held on August 5, 2009. At the hearing, claimant waived the time periods and requested to submit additional medical information.
- (7) An SOLQ data form from the Social Security Administration was received by the Administrative Law Judge on J anuary 3, 2011, and it indicated that claimant was approved for RSDI benefit s with a disability onset date of September 1, 2008.
- (8) Claimant is a 35-year-old woman whose birth date is Claimant is 5'7" tall and wei ghs 220 pounds. Cla imant has a 10 grade education and a GED. Claim ant is able to read and write and does have basic math skills
- (9) Claimant last worked October 2008 cleaning air ducts. Claimant has als o worked as a finish carpenter and as a front office driver and a maintenance person.
- (10) Claimant alleges as disabling impairments: bi-pol ar disorder, fracture of the left ulna and radius, depression, panic disorder.

CONCLUSIONS OF LAW

The State Disability A ssistance (SDA) program which provides financial assistance for disabled persons is established by 2004 PA 344. The Department of Human Service s (DHS or department) administers the SDA program pursuant to MCL 400.10, et seq., and MAC R 400.3151-400.3180. Department polic ies 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 estab lished by Title XIX of the Social Sec urity Act and is implemented by Title 42 of the C ode 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 Administrati on determination it is not necessary for the Administrative Law J udge to discuss the iss ue of disability. BEM, Item 260. 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 conclusion sof law, decides that the claimant meets the definition of Medically distabled under the Medical Assistance program and the State Disability Assistance program as of the January 12, 2009 application date.

Accordingly, the department's decision is REVERSED. The depar tment is ORDERED to initiate a review of the January 12, 2009, Medical Assistance and State Dis ability Assistance benefit 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 perform a m edical review in January 2012 to make a determination as to whether or not claimant continues to be eligible for RSDI benefits under the Social Sec urity Administration and whether claimant remains disabled for purposes of Medical Assistanc e eligibility. The claimant shall provide all updated medical forms at that time.

		<u> s/</u>
Landis		Y. Lain
		Administrative Law Judge
		for Duane Berger, Director
		Department of Human Services
Date Signed:	January 18, 2011	
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Date Mailed:	January 19, 2011	

NOTICE: Administrative Hearings may or der 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 Hear ings will not orde rarehearing 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 ti mely request for rehearing was made, within 30 days of the receipt date of the rehearing decision.

LYL/alc

