

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: [REDACTED]
Load No: [REDACTED]
Hearing Date:
August 5, 2009
Macomb County DHS (36)

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 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 unskilled work

per 20 CFR 416.968(a) pursuant to Medical Vocational Rule 202.17 and commented that the claimant'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. Retroactive MA-P was considered in this case and is also denied. SDA is denied per PEM 261 because the nature and severity of the claimant'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 January 3, 2011, and it indicated that claimant was approved for RSDI benefits with a disability onset date of September 1, 2008.
- (8) Claimant is a 35-year-old woman whose birth date is [REDACTED]. Claimant is 5'7" tall and weighs 220 pounds. Claimant has a 10th grade education and a GED. Claimant is able to read and write and does have basic math skills.
- (9) Claimant last worked October 2008 cleaning air ducts. Claimant has also worked as a finish carpenter and as a front office driver and a maintenance person.
- (10) Claimant alleges as disabling impairments: bi-polar disorder, fracture of the left ulna and radius, depression, panic disorder.

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).

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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/alc

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