

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: 200922020
Issue No: 2009
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
September 3, 2009
Ionia County DHS

ADMINISTRATIVE LAW JUDGE: Robert J. Chavez

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 hearing was held on September 3, 2009.

ISSUE

Was the denial of claimant's application for MA-P and SDA for lack of disability correct?

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 applied for MA-P and SDA on February 17, 2009.
- (2) On March 12, 2009, the Medical Review Team denied MA-P, retroactive MA-P, and SDA, stating that claimant's impairment lacked the Social Security Administration's durational requirements.
- (3) On March 27, 2009, claimant filed for hearing.

- (4) On May 26, 2009, the State Hearing Review Team denied MA-P, retroactive MA-P and SDA, stating that the claimant retained the capacity to perform light work, and, therefore, could perform his past relevant work because that work was performed at the light exertional level.
- (5) This analysis lacked an evaluation of whether the claimant could perform his past relevant work as he actually performed it, as is required by law.
- (6) On September 3, 2009, a hearing was held before the Administrative Law Judge.
- (7) Claimant was represented by [REDACTED]
- (8) On February 22, 2010, the Social Security Administration Office of Disability Adjudication and Review issued an on the record decision in claimant's case, finding disability for the purpose of securing SSI income.
- (9) The Social Security Administration gave claimant a disability onset date of November 10, 2008.

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 Bridges Reference Manual (BRM).

Department policy at BEM 260 states that if a claimant has been found eligible for either SSI or RSDI based upon a finding of disability, the person meets the Department's MA disability criteria. No other evidence is required to establish disability. In the present case, the claimant was found by the Social Security Administration to be eligible for RSDI benefits based upon disability and has presented prima facie evidence of the same. This disability was found by the Social Security Administration to have an onset date of November 10, 2008, more than three months before claimant requested MA-P. Therefore, the Administrative Law Judge finds that the claimant met the Department's definition of disabled for the purposes of MA-P and SDA.

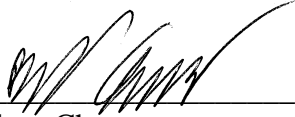
DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the claimant is medically disabled for the purposes of the MA and SDA program, pending a review of all non-medical eligibility factors.

Accordingly, the Department's decision in the above stated matter is, hereby,
REVERSED.

The Department is ORDERED to process claimant's Medicaid application of February 17, 2009, and initiate a review of all non-medical eligibility factors, if it has not already done so.

The Department is further ORDERED to initiate a full review of this case in April, 2011.



Robert Chavez
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 03/29/10

Date Mailed: 03/29/10

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.

RJC/dj

cc:

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