

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: 2009-24655  
Issue No: 2009; 4031  
Case No: [REDACTED]  
Load No: [REDACTED]  
Hearing Date:  
July 22, 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 22, 2009. Claimant personally appeared and testified.

ISSUE

Whether claimant continues to meet the disability criteria 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) Claimant was a Medical Assistance and State Disability Assistance benefit recipient.
- (2) On November 21, 2008, claimant's case was scheduled for a medical review.

(3) On April 8, 2009, the Medical Review Team denied claimant's application stating that claimant's impairments do not meet duration.

(4) On April 8, 2009, the department caseworker sent claimant notice that his application would be denied and his benefits would be cancelled.

(5) On April 20, 2009, claimant filed a request for a hearing to contest the department's negative action.

(6) On July 11, 2009, the State Hearing Review Team again denied claimant's application stating that it had insufficient evidence.

(7) The hearing was held on July 22, 2009. At the hearing, claimant waived the time periods and requested to submit additional medical information.

(8) On November 3, 2009, the Department of Human Services determined that claimant had been approved for Social Security Disability/RSDI with a disability onset date of

██████████

(9) Claimant is a 54-year-old man whose birth date is ██████████. Claimant is 5' 11" tall and weighs 210 pounds. Claimant attended the 11<sup>th</sup> grade and has no GED. Claimant is able to read and write and does have basic math skills.

(10) Claimant last worked in May 2007 as a custodian. Claimant has also worked as a car deliverer, as a car porter, and at ██████████

(11) Claimant received unemployment compensation benefits from October 2007 through April 2009.

(12) Claimant alleges as disabling impairments: a pinched nerve in his hand, hypertension, swollen knees, two surgeries on his neck and back, and cervical stenosis.

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 Social Security Administration determination, it is not necessary for the Administrative Law Judge to discuss the issue of disability. 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 of the November 21, 2008 medical review date.

Accordingly, the department is ORDERED to initiate a review of the November 21, 2008 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. Because the claimant is eligible for RSDI benefits, the department shall conduct a medical review in November 2010.

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

Date Signed: November 18, 2009

Date Mailed: November 18, 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.

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:

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