

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.: 2009-28396
Issue No.: 2009, 4031
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date:
September 21, 2009
Wayne County DHS (76)

ADMINISTRATIVE LAW JUDGE: Jonathan W. Owens

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, an in-person hearing was held on September 21, 2009. Claimant did not appear and testify.

The hearing was held at the request of Claimant's representative from L&S who submitted no new medical records. The record was left open and extended several occasions to allow Claimant's representative an opportunity to provide the Social Security Decision awarding benefits beginning August 2008.

ISSUE

Whether the Department of Human Services (Department) properly determined that Claimant is not "disabled" for purposes of the Medical Assistance (MA) and State Disability Assistance (SDA) programs?

FINDINGS OF FACT

The Administrative Law Judge, based upon the competent, material and substantial evidence on the whole record, finds as a material fact:

1. On March 14, 2008, Claimant applied for MA-P, SDA and Retro MA.
2. On March 3, 2009, the Department denied Claimant's application.
3. On June 2, 2009, Claimant filed a request for hearing regarding the Department's denial of benefits.
4. The State Hearing and Review Team (SHRT) denied Claimant's application in part and approved benefits based upon a Social Security Administration (SSA) decision granting benefits from August of 2008.
5. Claimant is 43 years old.
6. Claimant has a 10th grade education according to Exhibits 21 and 37..
7. Claimant's work history, according to form FIA 49-F completed on December 3, 2007, and signed by a representative, indicated no work history and indicated Claimant was not employed.
8. Claimant's work history, according to form FIA 49-F completed on February 9, 2009, and purportedly signed by the Claimant, indicated no work history and indicated he was not employed.
9. Claimant suffers from heart failure, Blount's disease of the left lower extremity and sleep apnea.

CONCLUSIONS OF LAW

The Medical Assistance (MA-P) 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 administers the MA-P 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).

In order to receive MA benefits based upon disability or blindness, the claimant must be disabled or blind as defined in Title XVI of the Social Security Act (20R 416.901). The Department, being authorized to make such disability determinations, utilizes the Social Security Income (SSI) definition of disability when making medical decisions on MA applications. MA-P (disability), also known as Medicaid, is a program designated to help public assistance claimants pay their medical expenses.

The law defines disability as the inability to do substantial gainful activity (SGA) by reason of any medically determinable physical or mental impairment which can be expected to result in death or which has lasted or can be expected to last for a continuous period of not less than 12 months. (20 CFR 416.905).

Because disability must be determined on the basis of medical evidence, Federal regulations have delineated a set order entailing a step sequential process for evaluating physical or mental impairments. When the claimant is found either disabled or not disabled at any point in the process, the claimant is not considered further.

Addressing the following steps:

The first sequential step to be considered is whether the claimant can perform SGA defined in 20 CFR 416.920(b). In this case, Claimant did not appear for the hearing. The only indication of employment can found on Department Exhibit 1, at pages 21 and 37 which are FIA 49-F's dated December 3, 2007, and February 9, 2009, the former completed and signed by a representative and the latter purportedly signed by the Claimant. No other documentation and/or

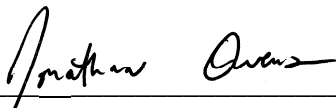
evidence were submitted to establish the employment status from December of 2007 through July of 2008.

It is the finding of the undersigned, based upon the evidence presented, that Claimant is not “disabled” at the first step. Claimant has not demonstrated his employment status for the time period in question. Claimant failed to appear for a hearing and testify as to his employment status for the months in question. From the documents submitted, at best, one could conclude Claimant was not working in December of 2007 and February of 2009.

DECISION AND ORDER

The Administrative Law Judge, based on the findings of fact and conclusions of law, decides that Claimant is not “disabled” for purposes of the Medical Assistance and State Disability Assistance programs.

It is ORDERED that the Department’s determination in this matter is AFFIRMED



Jonathan W. Owens
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: May 20, 2010

Date Mailed: May 20, 2010

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.

JWO/pf

cc:

