

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: 2009-29630
Issue No: 2009; 4031
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
September 29, 2009
Macomb 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 September 29, 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 August 21, 2008, claimant filed an application for Medical Assistance, retroactive Medical Assistance, and State Disability Assistance benefits alleging disability.

(2) On September 22, 2008, the Medical Review Team denied claimant's application stating that claimant could perform prior work.

(3) On September 24, 2008, the department caseworker sent claimant notice that her application was denied.

(4) On March 16, 2009, claimant filed a request to contest the department's negative action.

(5) On July 30, 2009, the State Hearing Review Team again denied claimant's application.

(6) The hearing was held on September 29, 2009. At the hearing, claimant waived the time periods and requested to submit additional medical information.

(7) Additional medical information was submitted and sent to the State Hearing Review Team on December 9, 2009.

(8) On December 18, 2009, the State Hearing Review Team approved claimant for Medical Assistance, State Disability Assistance, and retroactive Medical Assistance benefits stating that claimant meets or equals Listing 1.028.

(9) Claimant is a 37-year-old woman whose date of birth is [REDACTED]. Claimant is 5' 2" tall and weighs 165 pounds. Claimant attended three years of college and studied journalism and she can read and write and does have basic math skills.

(10) Claimant last worked in August 2007 as a quality specialist at [REDACTED] [REDACTED]. Claimant has also worked as a project manager, as a computer customer interface person, and in real estate management administration.

(11) Claimant's alleges as disability impairments: heart problems, arachnoiditis, brain surgery for pituitary adenoma, early menopause, diabetes insipidus, depression, hypertension, as well as urinary incontinence.

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 SHRT determination, it is not necessary for the Administrative Law Judge to discuss the issue of disability, per Program Administrative Manual, Item 600. 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 program and retroactive Medical Assistance program as of as of the August 21, 2008

application date and the three month retro period. Claimant also meets the definition of medically disabled under the State Disability Assistance program as of the August 21, 2008 application date.

Accordingly, the department's decision is REVERSED. The department is ORDERED to initiate a review of the August 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.

The department is ORDERED to conduct a medical review of claimant's continued eligibility for Medical Assistance and State Disability Assistance benefits in January 2011. At that time, the department shall assist claimant in gathering updated medical reports in addition to a DHS-49 and a complete physical examination.

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

Date Signed: January 14, 2010

Date Mailed: January 14, 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.

LYL/vmc

cc:

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