

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: 2009-30021
Issue No: 2009; 4031
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
September 9, 2009
Kent County DHS

ADMINISTRATIVE LAW JUDGE: Carmen G. Fahie

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9; MSA 16.409 and MCL 400.37; MSA 16.437 upon claimant's June 10, 2009 request for a hearing to protest the department's denial of Medical Assistance and State Disability Assistance. After due notice, a telephone hearing was held Wednesday, September 9, 2009. The claimant personally appeared and testified on his own behalf with his attorney, [REDACTED].

ISSUE

Whether claimant meets the disability criteria for Medical Assistance and State Disability Assistance

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 March 26, 2009, claimant applied for Medical Assistance and State Disability Assistance without filing an application for retroactive Medical Assistance.

(2) At the conclusion of the hearing, the record was held open at claimant's request for the submission of additional medical records. Medical records were received and submitted to the State Hearing Review Team (SHRT). SHRT approved claimant's claim of disability on October 13, 2009.

The medical evidence supports the medical source statements which details that the claimant would retain the ability to perform a wide variety of light, exertional tasks. The psychiatric portion needs no further development as this does not alter the outcome of this determination.

The claimant retains the ability to perform light, exertional tasks. The claimant's past relevant work is unskilled in nature. The claimant is 55 years old and has a less than high school education. Using Vocational Grid Listing 202.01 as a guide, this case is therefore deemed as an allowance as the claimant's overall ability to remain gainfully employed is eroded significantly due to a combination of factors. Medical Assistance is allowed retroactive to December 2008 and State Disability Assistance is approved as well to March 2009. A medical review of this case is to be scheduled for October 2016 where Listings 1.03, 1.04, 3.10, 4.01, 12.02, and 12.05 were considered.

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.

The claimant is eligible for MA-P retroactive to December 2008 and SDA based on his March 26, 2009 application with a medical review required October 2016.

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 Medical Assistance retroactive to December 2008 and State Disability Assistance based on his March 26, 2009 application with a medical review required October 2016.

Accordingly, the department is ORDERED to initiate a review of the March 26, 2009 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.

/s/ _____
Carmen G. Fahie
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: October 22, 2009

Date Mailed: October 22, 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.

CGF/vmc

cc:

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