

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: 2009-32385
Issue No: 2009; 4031
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
October 22, 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 October 22, 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 April 24, 2009, claimant filed an application for Medical Assistance, State Disability Assistance, and retroactive Medical Assistance benefits alleging disability.

(2) On June 9, 2009, the Medical Review Team denied claimant's application stating that claimant could perform prior work.

(3) On June 16, 2009, the department caseworker sent claimant notice that his application was denied.

(4) On July 9, 2009, claimant filed a request for a hearing to contest the department's negative action.

(5) On August 27, 2009, the State Hearing Review Team again denied claimant's application stating in its analysis and recommendation: The objective medical evidence presented does not establish a disability at the listing or equivalence level. The collective medical evidence shows that the claimant is capable of performing his past work as a home inspector. The claimant's impairments do not meet/equal the intent or severity of a Social Security listing. The medical evidence of record indicates that the claimant retains the capacity to perform past work as a home inspector. Therefore, based on the claimant's vocational profile of approaching advanced age, 12th grade education and a semi-skilled work history, MA-P is denied using Vocational Rule 203.22 as a guide. Retroactive MA-P was considered in this case and is also denied. SDA is denied per PEM 261 because the nature and severity of the claimant's impairments would not preclude work activity at the above stated level for 90 days.

(6) The hearing was held on October 22, 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 8, 2009.

(8) On December 16, 2009, the State Hearing Review Team approved claimant for Medical Assistance and State Disability Assistance stating in its recommendation: The claimant's impairments do not meet/equal the intent or severity of an appropriate Social Security listing. The medical evidence of record indicates that the claimant retains the capacity to perform sedentary work of simple, repetitive work. However, based on claimant's vocational profile of 54 years old, high school education, with no direct entry and medium, semi-skilled employment, MA-P is approved using Vocational Rule 201.12 as a guide. Retroactive MA-P was considered in this case and is approved effective January 2009. SDA is approved in accordance with PEM 261.

(9) Claimant alleges as disabling impairments: colitis, arthritis of the left hip and knee, depression, and anxiety.

(10) Claimant is a 54-year-old man whose birth date is [REDACTED]. Claimant is 5' 9" tall and weighs 175 pounds. Claimant last worked in 2001 at the [REDACTED] [REDACTED] as a warehouse inspector.

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 as of the January 2009 retroactive Medical Assistance benefit date and the State Disability Assistance program as of the April 24, 2009 application date.

Accordingly, the department's decision is REVERSED. The department is ORDERED to initiate a review of the April 24, 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.

The department is ORDERED to conduct a review in December 2012. At review, the following needs to be provided: prior medical packet, DHS-49-B, F, and G., DHS-49-D, and E, all hospital and treating source notes and testing results, all consultative examinations including

those purchased by the Social Security Administration/Disability Determination Service. Listings 1.03, 5.06, and 12.04/06 were considered in the determination.

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

Date Signed: January 14, 2010

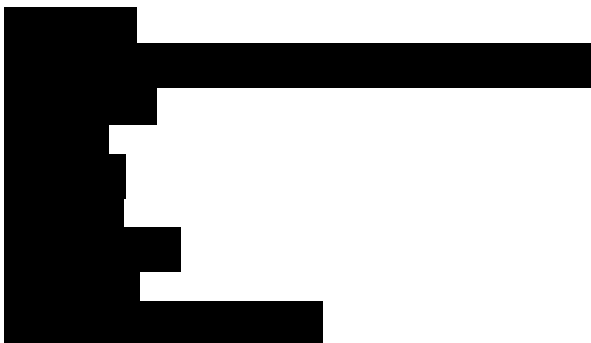
Date Mailed: January 14, 2010

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.

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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