

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:



Reg. No: 2009-33937
Issue No: 2009
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
November 10, 2009
Oakland County DHS (3)

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 November 10, 2009. Claimant personally appeared and testified.

ISSUE

Did the Department of Human Services (the department) properly deny claimant's Medical review application and State Disability Assistance review application?

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 approved for Medical Assistance and State Disability Assistance benefits based upon disability.
- (2) Claimant was scheduled for a Medical review in November 2008.
- (3) On April 8, 2009, the Medical Review Team denied claimant's continued Medical Assistance and State Disability Assistance benefits stating that claimant could perform other work.
- (4) On April 15, 2009, the department case worker sent claimant notice that his application was denied.
- (5) On April 28, 2009, claimant filed a request for a hearing to contest the department's negative action.

- (6) On September 8, 2009, the State Hearing Review Team again denied claimant's application stating in its' analysis and recommendation: the claimant has a history of alcohol abuse. His current physical examination and mental status were unremarkable. The medical evidence of record does not document a mental/physical impairment that significantly limits the claimant's ability to perform basic work activities. Therefore, MA-P is denied per 20 CFR 416.920(a). Retroactive MA-P was considered in this case and is also denied. SDA is denied per PEM 261 due to the lack of severity.
- (7) On January 3, 2011, the Administrative Law Judge received an SOLQ data report from the Social Security Administration which indicates that claimant was approved for RSDI income with a disability onset date of September 23, 2006.
- (8) Claimant is a 45-year-old man whose birth date is [REDACTED]. Claimant is 5'8" tall and weighs 145 pounds. Claimant is a high school graduate. Claimant is able to read and write and does have basic math skills.
- (9) Claimant last worked December 15, 2006. Claimant has worked as a system integration technician and an electrical panel wirer.
- (10) Claimant alleges as disabling impairments: hypertension, diabetes mellitus, neuropathy, pain in his feet and hands, colitis, chromes disease, chronic obstructive pulmonary disease, chronic back pain and depression, and bi-polar disorder and attempted suicide.

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 Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) 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 Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) 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. BEM, Item 260; 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 program as of the November 2008 review date.

Accordingly, the department's decision is REVERSED. The department is ORDERED to initiate a review of the November 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 a determination in writing.

The department is ORDERED to conduct a medical review in January 2012. At that time, the department shall determine whether or not claimant continues to be eligible for the Social Security benefits and if not the department shall conduct a medical review and shall assist claimant in providing additional medical information with all medical reports from 2010 and 2011.

Landis

/s/

Y. Lain

Administrative Law Judge
for Duane Berger, Director
Department of Human Services

Date Signed: January 18, 2011

Date Mailed: January 19, 2011

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.

2009-33937/LYL

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/alc

cc:

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