

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: 2009-35709
Issue No: 2009; 4031
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
November 5, 2009
Calhoun 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, an in-person hearing was held on November 5, 2009. Claimant personally appeared and testified.

ISSUE

Whether claimant meets the disability criteria for Medical Assistance, retroactive Medical Assistance, or 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 June 8, 2009, claimant filed an application for Medical Assistance, retroactive Medical Assistance, and State Disability Assistance benefits.

(2) On July 17, 2009, the Medical Review Team denied claimant's application for Medical Assistance and retroactive Medical Assistance benefits stating that claimant's

impairments lacked duration and approved claimant for State Disability Assistance benefits until October 2009.

(3) On July 23, 2009, the department caseworker sent claimant notice that his application was denied.

(4) On August 3, 2009, claimant filed a request for a hearing to contest the department's negative action.

(5) On September 24, 2009, the State Hearing Review Team again denied claimant's application stating that claimant is capable of performing other work in the form of light work and unskilled work pursuant to Medical Vocational Rule 202.10.

(6) The hearing was held on November 5, 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 1, 2009.

(8) On December 8, 2009, the State Hearing Review Team again denied claimant's application stating that claimant was capable of performing other work in the form of light work per 20 CFR 416.967(b) and unskilled work per 20 CFR 416.968(a) pursuant to Medical Vocational Rule 202.10.

(9) On January 22, 2010, the Administrative Law Judge received an SOQL from the Social Security Administration which indicates that claimant has been approved for SSI with a disability onset date of [REDACTED].

(10) Claimant alleged as disabling impairments: blood clots in the legs, thighs, and lungs, anemia, osteoarthritis, leg swelling, prostrate hypertrophy, and a deteriorating spine.

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 Social Security Administration determination, it is not necessary for the Administrative Law Judge to discuss the issue of disability. BEM, Item 260.

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 the State Disability Assistance program as of the June 8, 2009 application date. Claimant also meets the definition of medically disabled from the date of SSI eligibility and, therefore, the retroactive Medical Assistance application is also approved.

Accordingly, the department's decision is REVERSED. The department is ORDERED to reinstate claimant's June 8, 2009 Medical Assistance, retroactive Medical Assistance, and State Disability Assistance application, if it has not already done so, and shall open for claimant an

ongoing Medical Assistance case from May 2009 forward. The department shall determine if all other non-medical eligibility criteria are met for State Disability Assistance benefit receipt. The department shall inform the claimant of the determination in writing.

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

Date Signed: February 23, 2010

Date Mailed: February 23, 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

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