

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.: 2009-36915  
Issue No.: 2009  
Case No.: [REDACTED]  
Load No.: [REDACTED]  
Hearing Date:  
December 10, 2009  
Tuscola County DHS

ADMINISTRATIVE LAW JUDGE: Jonathan W. Owens

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 December 10, 2009. The Claimant did not appear and testify. The hearing was held at the request of the Claimant's representative from [REDACTED] which submitted no new medical records.

ISSUE

Whether the Department of Human Services (Department) properly determined that the Claimant is not "disabled" for purposes of the Medical Assistance (MA-P) program?

FINDINGS OF FACT

The Administrative Law Judge, based upon the competent, material and substantial evidence on the whole record, finds as a material fact:

1. On March 31, 2009, the Claimant applied for MA-P and retroactive MA.
2. On May 11, 2009, the Department denied the Claimant's application.

3. On August 20, 2009, the Claimant filed a request for hearing regarding the Department's denial of benefits.
4. On October 2, 2009, the State Hearing and Review Team denied the Claimant's application for benefits stating she was capable of other work.
5. The Claimant is 26 years old.
6. The Claimant has a high-school education and some college.
7. The Claimant's work history according to the FIA 49-F dated January 16, 2009, which was completed and signed by a representative, indicates a work history including the following: cashier, nanny and milking cows. The form indicates she was not employed on January 16, 2009.
8. The Claimant suffers from right cerebellar arteriovenous malformation, scabies, depression, anxiety, degenerative disc and possible MS.

#### CONCLUSIONS OF LAW

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 (formerly known as the Family Independence Agency) 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).

In order to receive MA benefits based upon disability or blindness, a claimant must be disabled or blind as defined in Title XVI of the Social Security Act (20R 416.901). The Department, being authorized to make such disability determinations, utilizes the SSI definition of disability when making medical decisions on MA applications. MA-P (disability), also is

known as Medicaid, which is a program designated to help public assistance claimants pay their medical expenses.

The law defines disability as the inability to do substantial gainful activity (SGA) by reason of any medically determinable physical or mental impairment which can be expected to result in death or which has lasted or can be expected to last for a continuous period of not less than 12 months. (20 CFR 416.905).

Because disability must be determined on the basis of medical evidence, Federal regulations have delineated a set order entailing a step sequential process for evaluating physical or mental impairments. When a claimant is found either disabled or not disabled at any point in the process, the claimant is not considered further.

Addressing the following steps:


The first sequential step to be considered is whether the Claimant can perform Substantial Gainful Activity (SGA) defined in 20 CFR 416.920(b). In this case, the Claimant did not appear for the hearing. The only indication of employment can found on Department exhibit 1 page 15 which is an FIA 49-F dated January 16, 2009, completed and signed by a representative. No other documentation and/or evidence was submitted to establish the employment status of the Claimant between January 16, 2009, through the date of the hearing. The Claimant's representative refers to a letter dated [REDACTED] from the Claimant's physician indicating, according to this physician, the Claimant is unable to work for at least 3-6 months. However, this is not sufficient to truly indicate the Claimant has not been working for the period in question. It should also be noted the Claimant has current MA based upon pregnancy.

It is the finding of the undersigned, based upon the evidence presented, that the Claimant is not “disabled” at the first step. The Claimant has not demonstrated her employment status for the time period in question.

DECISION AND ORDER

The Administrative Law Judge, based on the findings of fact and conclusions of law, decides that the Claimant is not “disabled” for purposes of the Medical Assistance and State Disability Assistance programs.

It is ORDERED; the Department’s determination in this matter is AFFIRMED

  
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Jonathan W. Owens  
Administrative Law Judge  
for Ismael Ahmed, Director  
Department of Human Services

Date Signed: March 23, 2010

Date Mailed: March 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.

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The Claimant may appeal the Decision and Order to Circuit Court within 30 days of the receipt 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.

JWO/pf

cc:

