

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.: 2009-370  
Issue No.: 2009, 4031  
Case No.: [REDACTED]  
Load No.: [REDACTED]  
Hearing Date:  
March 11, 2009  
Wayne County DHS (15)

ADMINISTRATIVE LAW JUDGE: Linda Steadley Schwarb

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 hearing was held on March 11, 2009. Claimant appeared and testified. Claimant was represented by [REDACTED]. Following the hearing, the record was kept open for the receipt of additional medical evidence. Additional documents were received and reviewed.

ISSUE

Did the Department of Human Services (DHS or department) properly determine that claimant is not "disabled" for purposes of the Medical Assistance (MA-P) and State Disability Assistance (SDA) programs?

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 December 21, 2007, an application was filed on claimant's behalf for MA-P and SDA benefits. The application requested MA-P retroactive to September of 2007.
- 2) On June 4, 2008, the department denied claimant's application for benefits based upon the belief that claimant did not meet the requisite disability criteria.
- 3) On August 28, 2008, a hearing request was filed to protest the department's determination.
- 4) Claimant, age 57, has an Associate's Degree in Business.
- 5) Claimant last worked in 2007 as an assistant manager at [REDACTED]. Claimant's relevant work consists of work as a manager and as a machinist.
- 6) Claimant has a history of hypertension and alcoholism.
- 7) Claimant was hospitalized [REDACTED] for a stroke, alcoholism, and hypertension. He underwent pacemaker placement.
- 8) Claimant was hospitalized [REDACTED] for a questionable stroke/transient ischemic attack (TIA) and persistent chest pain. Heart catheterization revealed non-obstructive coronary artery disease.
- 9) Claimant was hospitalized [REDACTED] for uncontrolled hypertension and recurrent headaches.
- 10) Claimant was hospitalized December 22 through December 24 of 2007 for acute coronary syndrome and alcohol intoxication.
- 11) Claimant was admitted [REDACTED] for left cranial nerve palsy, alcoholism, and hypertension.
- 12) Claimant was hospitalized [REDACTED] for chest pain.

- 13) Claimant was hospitalized [REDACTED] for acute coronary syndrome and paresthesia.
- 14) Claimant was hospitalized [REDACTED] for acute TIA, alcohol abuse, hypertension, and tobacco abuse.
- 15) Claimant was hospitalized [REDACTED] for chest pain.
- 16) On January 26, 2010, a Social Security Administration (SSA) Administrative Law Judge issued a determination that, based upon an application for Supplemental Security Income (SSI) filed on October 12, 2007, claimant was found to be disabled since November 14, 2008.
- 17) Claimant did not appeal the SSA determination of disability onset.
- 18) The SSA determination of disability onset is now final for purposes of eligibility for MA-P.

#### 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 (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).

Relevant departmental policy in this matter is as follows:

#### **Final SSI Disability Determination**

SSA's determination that disability or blindness does not exist for SSI is final for MA if:

- The determination was made after 1/1/90, and
- No further appeals may be made at SSA, or
- The client has failed to file an appeal at any step within SSA's 60-day limit, and
- The client is not claiming:
  - ❖ A totally different disabling condition than the condition SSA based its determination on, or
  - ❖ An additional impairment(s) or change or deterioration in his condition that SSA has not made a determination on.

Eligibility for MA based upon disability or blindness does not exist once SSA's determination is final. BEM Item 260, pages 2 and 3.

In this matter, on December 21, 2007, an application was filed on claimant's behalf for MA-P benefits. The application requested MA-P retroactive to September of 2007. Thereafter, the SSA, based upon an application for SSI which was filed on October 12, 2007, found claimant to be disabled effective November 14, 2008. Claimant did not appeal the SSA's determination as to disability onset date. Accordingly, the November 14, 2008, disability onset date is final for purposes of MA eligibility. See BEM Item 260, pages 2 and 3. Thus, regarding the December 21, 2007, application for MA-P filed with the department, the department shall initiate consideration of the non-medical eligibility criteria effective November of 2008. The department shall notify claimant and his authorized representative of its determination in writing.

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).

A person is considered disabled for purposes of SDA if the person has a physical or mental impairment which meets federal SSI disability standards for at least 90 days. Receipt of

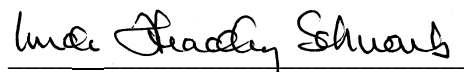
SSI or RSDI benefits based upon disability or blindness or the receipt of MA benefits based upon disability or blindness (MA-P) automatically qualifies an individual as disabled for purposes of the SDA program. Other specific financial and non-financial eligibility criteria are found in PEM Item 261.

In this case, with regard to the December 21, 2007, application for SDA, there is insufficient medical evidence to support a finding that claimant was incapacitated or unable to work under SSI disability standards for at least 90 days. Therefore, the undersigned Administrative Law Judge finds that the department's determination on June 4, 2008, that claimant was not disabled for purposes of the SDA program must be upheld.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that, for purposes of the December 21, 2007 application, the Department of Human Services properly determined that claimant was not "disabled" for purposes of the State Disability Assistance Program. Accordingly, that determination is hereby affirmed.

With regard to the December 21, 2007, application for Medical Assistance, the department shall initiate consideration of all non-medical eligibility criteria necessary for Medical Assistance effective November of 2008. The department shall notify claimant and his authorized representative of its determination in writing.

  
Linda Steadley Schwarb  
Administrative Law Judge  
for Ismael Ahmed, Director  
Department of Human Services

Date Signed: April 13, 2010

Date Mailed: April 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.

LSS/pf

cc:

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