

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: 2009-702
Issue No: 2009; 4031
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
January 26, 2009
Wayne County DHS

ADMINISTRATIVE LAW JUDGE: Colleen M. Mamelka

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon the Claimant's request for a hearing. After due notice, a telephone hearing was conducted from [REDACTED] on January 26, 2009. The Claimant appeared and testified. The Claimant was represented by [REDACTED]. [REDACTED] appeared on behalf of the Department. At the Claimant's request, the record was extended for further medical evidence to be submitted. The additional evidence was received, reviewed, and forwarded to the State Hearing Review Team for consideration.

ISSUE

Whether the Department properly determined that the Claimant was not disabled for purposes of continued entitlement to Medical Assistance ("MA-P") and the State Disability Assistance ("SDA") benefits.

FINDINGS OF FACT

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

1. As a result of an Administrative Hearing held on July 31, 2000, the Claimant was found disabled for MA-P and SDA purposes. (Exhibit 1, pp. 226 – 237)

2. On June 25, 2008, the Medical Review Team (“MRT”) deferred the disability review in order to inquire the status of the Claimant’s SSI appeal. (Exhibit 1, pp. 3, 4)

3. On August 20, 2008, the Claimant attended a consultative examination scheduled by the Department at the [REDACTED]. (Exhibit 1, p. 5)

4. On September 8th, the MRT denied the Claimant’s SDA and determined the Claimant was no longer disabled for purposes of the MA-P program. (Exhibit 1, pp. 3, 4)

5. On September 15, 2008, the Department sent the Claimant an eligibility notice informing her that the MA-P and SDA benefits would terminate effective September 23, 2008. (Exhibit 2)

6. On September 22, 2008, the Department received the Claimant’s written hearing request protesting the denial of benefits. (Exhibit 1, p. 1)

7. On October 10, 2008, the State Hearing Review Team (“SHRT”) found the Claimant not disabled and capable of performing other work. (Exhibit 2)

8. The Claimant’s alleged physical disabling impairments are diabetes mellitus, irritable bowel syndrom (“IBS”), vertigo, chronic obstructive pulmonay disorder (“COPD”), stomach pain due to malabsorption, and retinopathy.

9. The Claimant’s alleged mental disabling impairments are depression and anxiety.

10. The Claimant's impairment(s) will last or have lasted for a period of 12 months or longer.

11. At the time of hearing, the Claimant was 44 years old with a November 27, 1964 birth date; was 5' 7 ½" tall and weighed 137 pounds.

12. The Claimant graduated from high school and has a work history of unskilled light work.

13. The Claimant's work history includes employment as a home healthcare provider; a cashier; and clerical employment.

14. The Record was extended to allow the Claimant an opportunity to submit additional medical records.

15. The additional records were received and forwarded to SHRT for consideration.

16. On February 11, 2009, the SHRT found the Claimant disabled for purposes of the MA-P and SDA programs.

CONCLUSIONS OF LAW

The Medical Assistance ("MA") program is established by Subchapter XIX of Chapter 7 of The Public Health & Welfare Act, 42 USC 1397, and is administered by the Department of Human Services ("DHS"), formally known as the Family Independence Agency, 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").

Disability is defined as the inability to do any substantial gainful activity 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(a) The person claiming a physical or mental disability has the burden to establish it through the use of competent medical evidence from qualified medical sources such as his or her medical history, clinical/laboratory findings, diagnosis/prescribed treatment, prognosis for recovery and/or medical assessment of ability to do work-related activities or ability to reason and make appropriate mental adjustments, if a mental disability is alleged. 20 CFR 413.913 An individual's subjective pain complaints are not, in and of themselves, sufficient to establish disability. 20 CFR 416.908; 20 CFR 416.929(a) Similarly, conclusory statements by a physician or mental health professional that an individual is disabled or blind, absent supporting medical evidence, is insufficient to establish disability. 20 CFR 416.929(a)

The State Disability Assistance ("SDA") program, which provides financial assistance for disabled persons, was established by 2004 PA 344. DHS administers the SDA program pursuant to MCL 400.10 *et seq.* and Michigan Administrative Code ("MAC R") 400.3151 – 400.3180. Department policies are found in PAM, PEM, and PRM. A person is considered disabled for SDA purposes if the person has a physical or mental impairment which meets federal SSI disability standards for at least ninety days. Receipt of SSI or RSDI benefits based on disability or blindness, or the receipt of MA benefits based on disability or blindness (MA-P) automatically qualifies an individual as disabled for purposes of the SDA program.

Based upon the SHRT determination, it is not necessary for the Administrative Law Judge to discuss the issue of disability pursuant to PAM 600. The Claimant meets the MA-P disability criteria and therefore is disabled for SDA purposes. Accordingly, the Department is required to initiate a determination of the Claimant's financial eligibility for the requested benefits, if not previously completed.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Claimant continues to meet the definition of medically disabled under the MA-P and SDA programs.

Accordingly, it is Ordered:

1. The Department shall initiate a review of the redetermination application (if not already completed) to determine if all other non-medical criteria are met and inform the Claimant of the determination.
2. The Department shall supplement the Claimant any lost benefits she was entitled to receive if otherwise eligible and qualified in accordance with department policy.
3. The Department shall review the Claimant's continued eligibility in March of 2010 in accordance with department policy.

/s/ _____
Colleen M. Mamelka
Administrative Law Judge
For Ishmael Ahmed, Director
Department of Human Services

Date Signed: [REDACTED] _____

Date Mailed: [REDACTED] _____

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 the Circuit 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.

CMM

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