

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: 2010-1948
Issue No: 2009; 4031
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
December 17, 2009
Isabella 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 February 2, 1020. Claimant was represented at the hearing by [REDACTED]

ISSUE

Whether claimant meets the disability criteria for Medical Assistance and State Disability Assistance benefits?

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 April 9, 2009, claimant filed an application for Medical Assistance and State Disability Assistance benefits alleging disability.

(2) On June 24, 2009, the Medical Review Team denied claimant's application.

(3) On June 24, 2009, the department caseworker sent claimant notice that her application had been denied.

(4) On September 2, 2009, claimant filed a request for a hearing to contest the department's negative action.

(5) On October 26, 2009, the State Hearing Review Team again denied claimant's application stating that it had insufficient evidence and requested a visual examination from an ophthalmologist.

(6) On December 17, 2009, the hearing was held. Claimant waived the time periods and requested to submit the additional medical information.

(7) Additional medical information was submitted and sent to the State Hearing Review Team on January 28, 2010.

(8) On February 3, 2010, the State Hearing Review Team approved claimant for Medical Assistance and retroactive Medical Assistance benefits stating that claimant meets or equals Listing 2.03B and commented that the claimant's impairments do not meet/equal the intent or severity of an appropriate Social Security listing. The medical evidence of record indicates that claimant would not retain the capacity to perform even sedentary work on a sustained basis. Therefore, MA-P is approved using Vocational Rule 201.00(H) as a guide. Retroactive MA-P was considered in this case and is approved effective April 9, 2009. A medical review should be conducted on February 3, 2013.

(9) Claimant is a 47-year-old woman whose birth date is [REDACTED]. Claimant is 5' tall and weighs 108 pounds. Claimant is a high school graduate and is able to read and write and does have basic math skills.

(10) Claimant last worked in 2006 at a casino as a cocktail waitress.

(11) Claimant alleges as disabling impairments: Grave's disease, restricted vision, severe thyroid problems, double vision, losing her hair, headaches, fainting, kidney stones, choking syndrome, and memory problems.

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 SHRT determination, it is not necessary for the Administrative Law Judge to discuss the issue of disability per Program Administrative Manual, Item 600. 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 programs as of the April 9, 2009 application date. If claimant has a retroactive Medical Assistance application, she would also be approved for the three months prior to the April 9, 2009 application date.

Accordingly, the department is ORDERED to initiate a review of the April 9, 2009 application, if it has not already done so, to determine if all other non-medical eligibility criteria are met. The department shall inform the determination in writing.

The department is also ORDERED to assist claimant in conducting a medical review in February 2013. At that time, the claimant should provide an updated ophthalmology report, an updated physical report, and updated mental status examination performed by a psychiatrist or psychologist.

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

Date Signed: February 24, 2010

Date Mailed: February 24, 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 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

cc:

