

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: 2010-2949
Issue No: 2009; 4031
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
January 28, 2010
Tuscola County DHS

ADMINISTRATIVE LAW JUDGE: Carmen G. Fahie

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9; MSA 16.409 and MCL 400.37; MSA 16.437 upon claimant's September 15, 2009 request for a hearing to protest the department's denial of Medical Assistance, retroactive Medical Assistance, and State Disability Assistance. After due notice, an in-person hearing was held Thursday, January 28, 2010. The claimant personally appeared and testified on her own behalf.

ISSUE

Whether claimant meets the disability criteria for Medical Assistance (MA-P), retroactive Medical Assistance, and State Disability Assistance (SDA)?

FINDINGS OF FACT

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

CONCLUSIONS OF LAW

(1) On March 25, 2009, the claimant filed an application for Medical Assistance and State Disability Assistance with retroactive Medical Assistance to December 2008.

(2) At the conclusion of the hearing, the record was held open at claimant's request for the submission of additional medical records. Medical records were received and submitted to the State Hearing Review Team (SHRT). SHRT approved claimant's claim of disability on March 31, 2010 for MA-P, retroactive MA-P, and SDA.

The claimant is 59 years old with a high school education and history of medium, semi-skilled employment. The evidence supports that the claimant does not meet or equal any listing level impairment. The evidence further supports that the claimant would retain the ability to perform light, exertional tasks of a simple and repetitive nature. While the claimant does have treating source opinions that she is only capable of sedentary tasks at the most, the evidence in file does not support these opinions.

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 the claimant retains the capacity to perform a light, exertional range of simple and repetitive work. However, based on the claimant's vocational profile (59 years old, a high education, and a history of medium, semi-skilled employment), MA-P is approved using Vocational Rule 202.04 as a guide. Retroactive MA-P was approved in accordance with PEM 261. This case needs to be medically reviewed for continued benefits in March 2017. At review the following needs to be provided: a prior medical packet, DHS-49B, F, G; DHS-49D, E; all hospital and treating source notes, tests results, all consultative examinations including those purchased by the Social Security Administration/

Disability Determination Services. Listing 4.04 and 12.04/06 were considered in this determination.

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. The claimant is eligible for MA-P retroactive to December 2008 and SDA based on her March 25, 2009 application with a medical review required March 2017.

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 retroactive to December 2008 and SDA based on her March 25, 2009 application with a medical review required March 2017.

Accordingly, the department is ORDERED to initiate a review of the March 25, 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 claimant of the determination in writing.

/s/
Carmen G. Fahie
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: April 15, 2010

Date Mailed: April 16, 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.

CGF/vmc

cc:

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