

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

[REDACTED]
[REDACTED]
[REDACTED]

Reg. No: 20102984
Issue No: 2009; 4031
Case No: [REDACTED]
Hearing Date
November 24, 2009
Kalamazoo 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, a telephone hearing was held on November 24, 2009. Claimant personally appeared and testified.

This hearing was originally held by Administrative Law Judge Jay Sexton. Jay Sexton is no longer affiliated with the Michigan Administrative Hearing System Administrative Hearings for the Department of Human Services. This hearing decision was completed by Administrative Law Judge Landis Y. Lain by considering the entire record.

ISSUE

Did the Department of Human Services (the department) properly deny claimant's application for Medical Assistance (MA-P) 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:

- (1) On July 7, 2009, claimant filed an application for Medical Assistance and State Disability Assistance benefits alleging disability.
- (2) On September 3, 2009, the Medical Review Team denied claimant's application stating that claimant could perform other work pursuant to Medical Vocational Rule 202.15.
- (3) On September 10, 2009, the department caseworker sent claimant notice that her application was denied.

- (4) On September 16, 2009, claimant filed a request for a hearing to contest the department's negative action.
- (5) On October 13, 2009, the State Hearing Review Team again denied claimant's application stating that it had insufficient evidence and requested a complete physical examination.
- (6) The hearing was held on November 24, 2009. At the hearing, claimant waived the time period and requested to submit additional medical information.
- (7) On September 28, 2011, the Administrative Law Judge received an SOLQ from the Social Security Administration which indicated that on September 21, 2010 the Social Security Administration issued a partially favorable decision with a disability onset date of July 27, 2009 for claimant.
- (8) On the date of hearing, claimant was a 50-year-old woman whose birth date was [REDACTED]. Claimant was 5'2" tall and weighed 113 pounds. Claimant was a high school graduate and could read and write and did have basic math skills.
- (9) Claimant states as disabling impairments: degenerative disc disease, chronic obstructive pulmonary disease and upper and lower tailbone hernia, and a pinched vertebrae.

CONCLUSIONS OF LAW

The regulations governing the hearing and appeal process for applicants and recipients of public assistance in Michigan are found in the Michigan Administrative Code, MAC R 400.901-400.951. An opportunity for a hearing shall be granted to an applicant who requests a hearing because his or her claim for assistance has been denied. MAC R 400.903(1). Clients have the right to contest a department decision affecting eligibility or benefit levels whenever it is believed that the decision is incorrect. The department will provide an administrative hearing to review the decision and determine the appropriateness of that decision. BAM 600.

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 (BAM), the Program Eligibility Manual (BEM) and the Program Reference Manual (PRM).

A person eligible for Retirement, Survivor's and Disability Insurance (RSDI) benefits based upon a disability or blindness meets the disability or blindness criteria. Disability or blindness starts from the RSDI disability onset date established by the Social Security Administration (SSA). No other evidence is required. BEM, Item 260, page 1.

On September 21, 2010, the Social Security Administration determined that claimant was eligible for Retirement, Survivor's and Disability Insurance (RSDI) with a disability onset date of July 27, 2009. Because of the Social Security Administration determination, this Administrative Law Judge finds it is no longer necessary for the Administrative Law Judge to address the issue of disability under the circumstances. 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 based upon the September 21, 2010 decision by the Social Security Administration that found the claimant disabled under the Social Security Rules with the RSDI disability onset date of July 27, 2009, that claimant meets the definition of medically disabled under the Medical Assistance and State Disability Assistance program as of the July 7, 2009 application date.

Accordingly, the department's decision is REVERSED.

The department is ORDERED to initiate a review of the July 7, 2009 Medical Assistance and State Disability Assistance application if it has not already done so to determine if all other nonmedical disability criteria are met, and if so, determine eligibility for Medical Assistance and State Disability Assistance benefits for the months of July 7, 2009 forward.

The department shall inform the claimant of its determination in writing. The department is also ORDERED to conduct a medical review of claimant's eligibility in September 2012.



Landis Y. Lain
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: September 28, 2011

Date Mailed: September 29, 2011

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.

LYL/tg

cc:

