

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

IN THE MATTER OF:

[REDACTED]

Reg. No: 2010-30637  
Issue No: 2009, 4031  
Case No: [REDACTED]  
Load No: [REDACTED]  
Hearing Date:  
May 25, 2010  
Monroe 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 May 25, 2010. Claimant personally appeared and testified. Claimant was represented at the hearing by [REDACTED]. This hearing was originally held by Administrative Law Judge Jana Bachman. Judge Bachman is no longer affiliated with the department of Human Services and this hearing decision was completed by Administrative Law Judge Landis Y. Lain.

**ISSUE**

Whether claimant meets the disability criteria for Medical Assistance (MA-P), retroactive Medical Assistance (retro 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 December 9, 2009, claimant filed an application for Medical Assistance, retroactive Medical Assistance and State Disability Assistance benefits alleging disability.
- (2) On March 12, 2010, the Medical Review Team approved claimant for SDA benefits and denied claimant's Medical Assistance and retroactive Medical Assistance application.
- (3) On March 16, 2010, the department caseworker sent claimant notice that his application was denied.

- (4) On April 7, 2010, claimant filed a request for a hearing to contest the department's negative action.
- (5) On April 22, 2010, the State Hearing Review Team again denied claimant's application stating that it had insufficient evidence and requested a complete physical examination and a psychiatric evaluation.
- (6) The hearing was held on May 25, 2010. At the hearing, claimant waived the time periods and requested to submit additional medical information.
- (7) Additional medical information was submitted and sent to the State Hearing Review Team.
- (8) On January 27, 2011, the State Hearing Review Team approved claimant for Medical Assistance and retroactive Medical Assistance benefits stating in its' analysis and recommendation: the objective medical evidence supports the severity of the condition noted in the March 2010 determination of the MRT is persistent for a period anticipated to last for at least 12 months. Therefore, criteria for listing 12.04 are met at this time. Psychiatric review recommends appointment for payee for monetary benefits. The Medical evidence sufficiently demonstrates that the intent or severity of the listing 12.04 is met. MA-P is approved. Retroactive MA-P was considered in this case and is effective September 2009. SDA was previously approved with the March 2010, MRT determination. Recent evaluated recommends payee be appointed for monetary benefits.
- (9) On the date of hearing claimant was a 47-year-old man whose birth date is [REDACTED]. Claimant is 6' tall and weighs 146 pounds. Claimant attended the 8<sup>th</sup> grade and had limited reading and math skills.
- (10) Claimant last worked November 2008 as a short-order cook and a dishwasher and also works as a general laborer.
- (11) Claimant alleges as disabling impairments: back pain, chronic obstructive pulmonary disease, emphysema, pulmonary embolus, hernia, skin cancer, depression, substance abuse, and multiple head injuries as well as bipolar disorder and ankle, knee and finger pain.

### **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 Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) 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 Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) 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 BAM, 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 Assistance program as of the December 9, 2009, application date. Retroactive MA-P was considered in this case and is approved effective September 2009.

Accordingly, the department's decision is REVERSED. The department is ORDERED to initiate a review of the December 9, 2009, Medical Assistance, State Disability Assistance and retroactive Medical Assistance application if it is not already done so to determine if all other non-medical eligibility criteria are met. The department shall inform the claimant of a determination in writing. Based upon the request of the evaluator, this Administrative Law Judge ORDERS that a payee be appointed and established for claimant's monetary benefits.

It is also ORDERED that at review, the Medical Assistance and State Disability Assistance be reviewed for continuing benefits in February 2010. At review, the following needs to be provided: prior medical packet; DHS-49, B, D, E, F, G; all hospital and treating source notes and test results; all consultative examinations including all those purchased by the Social Security Administration/Disability Determination Service.

Landis

/s/

Y. Lain

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

Date Signed: February 15, 2011

Date Mailed: February 16, 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/alc

cc:

