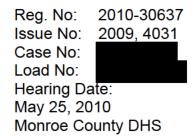
STATE OF MICHIGAN STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES ADMINISTRATIVE HEARINGS FOR THE DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:





ADMINISTRATIVE LAW JUDGE: Landis Y. Lain

HEARING DECISION

This matter is before the undersigned Admini strative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon claimant's request for a hearing. After due notic e, a telephone hearing was held on May 25, 2010. Claimant personally ap peared and testified. Claimant was represented at the hearing by the strategy of the strat

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 ca seworker 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 Revi ew Team again denied claimant's applic ation stating that it had in sufficient 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.
- On January 27, 011, t he State Hearing Review Team approved claimant (8) for Medical Assistance and retroactive Medical Assistance benefits stating in its' analysis and recommendation: the objective medical ev idence supports the severity of the c ondition noted in the March 2010 determination of the MRT is persistent for a period anticipated to last for at least 12 months. Therefor e, criteria for list ing 12.04 are met at this time. Psychiatric review r ecommends 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. S DA was previously approved with the M arch 2010, MRT det ermination. Recent evaluated recommends payee be appointed for monetary benefits.
- (9) On the date of hearing claimant was a 47-y ear-old man whose birth date is **Claimant** is 6' tall and weighs 146 pounds. Claimant attended the 8 grade and had limited reading and math skills.
- (10) Claimant last worked Novemb er 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 ob structive pulmonary disease, emphysema, pulmonary embolus, hernia, skin cancer, depression, substance abuse, and multip le head inju ries as well as bipolar disorder and ankle, knee and finger pain.

CONCLUSIONS OF LAW

The State Disability A ssistance (SDA) program which provides financial ass istance for disabled persons is established by 2004 PA 344. The Department of Human Service s (DHS or department) admin isters the SDA program pursuant to MCL 400.10, *et seq.*, and MAC R 400.3151-400.3180. Department polic ies 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 Sec urity Act and is implemented by T itle 42 of the C ode 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 necess ary for the Admin istrative Law Judge to discuss the issue of dis ability per BAM, Item 600. The department is required to initiate a determination of claimant's fina ncial eligibility for t he requested benefits if not previously done.

DECISION AND ORDER

The Administrative Law Judge, based upon t he above findings of fact and conclusion s of law, decides that the claimant meets the definition of medically dis abled under the Medical As sistance and State Disability Assistance program as of the December 9, 2009, application date. Retroac tive 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 e ligibility criteria a remet. The dep artment shall inform the claimant of a determination in writing. Base d upon the request of the evaluator, this Administrative Law J udge ORDERS that a pay ee be appointed and established for claimant's monetary benefits.

It is also ORDERED that at review, th e Medical Assistance and State Disability Assistance be reviewed for c ontinuing benefit s 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; a II consult ative exam inations in cluding all those purchased by the Social Security Administration/Disability Determination Service.

		<u>/s/</u>
Landis		Y. Lain
		Administrative Law Judge
		for Maura D. Corrigan, Director
		Department of Human Services
Date Signed:	February 15, 2011	
	E 1 10 0011	
Date Mailed:	February 16, 2011	

NOTICE: Administrative Hearings may or der a rehearing or reconsideration on either its own motion or at t he request of a party within 30 days of the mailing date of this Decision and Order. Administrative Hear ings will not order a rehearing or reconsideration on the Department's mo tion where the final decis ion 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

