

STATE OF MICHIGAN
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

[REDACTED]

Reg. No: 201030839
Issue No: 2009
[REDACTED] [REDACTED]
Hearing Date: June 23, 2010
Jackson County DHS

ADMINISTRATIVE LAW JUDGE: Janice G. Spodarek

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 to protest the denial of claimant's application for Medical Assistance (MA) and State Medical Program (SDA). After due notice, an in-person hearing was held on June 23, 2010. Claimant was represented at the administrative hearing by [REDACTED]

ISSUE

Whether claimant meets the disability criteria for MA?

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 January 26, 2009, claimant applied for MA-P with the Michigan Department of Human Services (DHS).
2. Claimant applied for 1 month of retro MA.
3. On March 9, 2009, MRT denied.
4. On January 9, 2010, the department issued notice.
5. On March 30, 2010, claimant filed a hearing request.
6. On April 22, 2010, SHRT denied claimant.

7. 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), and on February 16, 2011, SHRT once again denied claimant.
8. Subsequent to the hearing, the Social Security Administration determined that the claimant met the disability criteria for the programs with a disability onset date of June 2, 2009.
9. On May 20, 2011, the undersigned Administrative Law Judge received an SOLQ SSA Response Report indicating claimant was approved disability benefits by SSA. Claimant's onset date is identified as June 2, 2009. The undersigned Administrative Law Judge must review claimant's disability from the January 2009 month of application, including one month of retro, until subsequently approved by SSA.
10. Claimant alleges disability on the basis of rheumatoid arthritis, hand pain, shortness of breath, obesity, left-sided numbness, gastric bypass, fibromyalgia, obstructive sleep apnea, benign hypertension, general osteoarthritis, lumbago.
11. Claimant has not worked since June, 2006.
12. Claimant's alleged multiple impairments existed as severe impairments meeting statutory disability no later than December, 2008.

CONCLUSIONS OF LAW

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).

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).

Because of the Social Security Administration determination, it is not necessary for the Administrative Law Judge to discuss the issue of disability from June, 2009 forward. PEM, Item 260; PEM, Item 261. As such, the undersigned Administrative Law Judge must review claimant's alleged disability from January, 2009, including one month of retro, until subsequently approved by SSSA.

The undersigned Administrative Law Judge has reviewed the evidentiary record and finds that claimant's multiple impairments existed in severity sufficient to meet statutory disability pursuant to 20 CFR 416.920 et sec. These impairments do not have a specific onset date during the time period reviewed herein. Statutory disability is shown.

The department is required to initiate a determination of claimant's financial eligibility for the requested benefits, if required by DHS policy and procedure.

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 MA programs as of the January, 2009 application date, including any retro MA months, if otherwise eligible, and as permitted under policy and procedure.

Accordingly, the department's denial is hereby REVERSED.

The department shall review this case in accordance with its usual policy and procedure.

/s/ _____
Janice G. Spodarek
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: May 26, 2011

Date Mailed: May 27, 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 receipt 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.

201030839/jgs

JGS/db

cc:

