

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

IN THE MATTER OF:



Reg. No: 2010-31694
Issue No: 2009; 4031
Case No: [REDACTED]
Hearing Date:
May 18, 2010
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 May 18, 2010. Claimant personally appeared and testified.

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 February 5, 2010, claimant filed an application for Medical Assistance and State Disability Assistance benefits alleging disability.
- (2) On March 25, 2010, the Medical Review Team denied claimant's application stating that claimant could perform other work.
- (3) On March 26, 2010, the department caseworker sent claimant notice that his application was denied.
- (4) On April 13, 2010, claimant filed a request for a hearing to contest the department's negative action.
- (5) On April 28, 2010, the State Hearing Review Team again denied claimant's application stating in its' analysis and recommendation: the evidence supports that the claimant does have mild degenerative disc disease and that likely has some residual and impairments secondary to

traumatic brain in 2005. The claimant's impairments do not meet/equal the intent or severity of a Social Security Listing. The medical evidence of record indicates that the claimant retains the capacity to perform a wide range of medium exertional work of a simple and repetitive nature. Therefore, based on the claimant's vocational profile of 51 years old, a less than high school education and a history of light skilled employment, Medicaid P is denied using Vocational rule 203.18 as a guide. Retroactive MA-P was considered in this case and was also denied. SDA is denied per PEM 261 because the nature and severity of the claimant's impairments would not preclude work activity at the above stated level for 90 days. Listing 1.02, 1.03, 1.04, 12.02, 12.04 & 12.09 were considered in this determination.

- (6) The hearing was held on May 18, 2010. At the hearing, claimant waived the time periods and requested to submit additional medical information.
- (7) Additional medical information was submitted in the form of an SOLQ from the Social Security Administration that indicates that claimant was approved for RSDI and is in payment status receiving \$[REDACTED] per month in RSDI benefits with a disability onset date of November 1, 2009.
- (8) Claimant is a 52-year-old man whose birth date is [REDACTED]. Claimant is 6' tall and weighs 170 pounds. Claimant attended the 11th grade and has no GED. Claimant is able to read and write and does know how to add, subtract, multiply and divide and count money.
- (9) Claimant last worked 2009 as a truck driver. Claimant has also worked as a construction worker and as a service station inspector of vehicles in [REDACTED].
- (10) Claimant alleges as disabling impairments: back and hip pain, depression, degenerative disc disease, traumatic brain injury, headaches, and poor motor skills.

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 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 Social Security Administration determination it is not necessary for the Administrative Law Judge to discuss the issue of disability. PEM, Item 260. 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 the State Disability Assistance Program as of the February 5, 2010, application date.

Accordingly, the department's decision is REVERSED. The department is ORDERED to initiate a review of the February 5, 2010, Medical Assistance and State Disability Assistance 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. A medical review of this case shall be conducted in March 2012, to determine if claimant is still eligible for RSDI benefits and continued eligibility for Medical Assistance benefits.

Landis

/s/

Y. Lain

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

Date Signed: March 30, 2011

Date Mailed: March 31, 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.

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