

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. 201032165
Issue No. 4031
Case No. [REDACTED]
Load No. [REDACTED]
Hearing Date: July 1, 2010
Hillsdale County DHS

ADMINISTRATIVE LAW JUDGE: Carmen G. Fahie

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9; MSA 16.409 and MCL 400.37; MSA 16.437 upon claimant's April 22, 2010 request for a hearing to protest the department's denial of a medical review of State Disability Assistance. After due notice, an in-person hearing was held Thursday, July 1, 2010. The claimant personally appeared and testified with her friend [REDACTED] as a witness.

ISSUE

Whether claimant meets the disability criteria for medical review of State Disability Assistance (SDA)?

FINDINGS OF FACT

The Administrative Law Judge, based upon the competent, material, and substantial evidence on the whole record, finds a material fact:

1. The claimant was a previous recipient of SDA with a medical review required April 2010.
2. 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). SHRT approved claimant's claim of disability on July 26, 2010.

The claimant is 56 years old with a high school education and a history of light, unskilled employment.

The claimant was previously approved for State Disability Assistance benefits secondary to an inability to perform even sedentary tasks, see Medical Review Team determination dated April 22, 2009. MA-P benefits are not a part of this review. There was sufficient evidence to support that the claimant would be significantly limited in her ability to perform tasks secondary to physical and psychiatric limitations.

The claimant's impairments do not meet/equal the intent or severity of an appropriate Social Security listing. The medical evidence of record indicates that the claimant retains the capacity to perform at a less than sedentary range of exertional work. The claimant is limited in her ability to perform only simple and repetitive tasks. However, based on the claimant's vocational profile (56 years old, a high school education, and history of light, unskilled employment), SDA is approved using Vocational Rule 201.00(h) as a guide in accordance with PEM 261. MA-P and retroactive MA-P were not considered on this review. SDA benefits needs to be reviewed for continuing benefits in April 2011. At review, the following needs to be provided of a prior medical packet; DHS-49B, F, G; DHS-49, D, E; all hospital and treating source notes and test results; all consultative examinations, including those purchased by the SSA/Disability Determination Service. Listings 1.02, 11.14, and 13.10 were considered in this determination.

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 Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) 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 Program Administrative Manual, Item 600.

The department is required to initiate a determination of claimant's financial eligibility for the requested benefits, if not previously done. The claimant is eligible for SDA retroactive to her medical review in April 2010 with a medical review required April 2011.

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 State Disability Assistance program as of her medical review April 2010 with a medical review required April 2011.

/s/ _____
Carmen G. Fahie
Administrative Law Judge
For Ismael Ahmed, Director
Department of Human Services

Date Signed: July 30, 2010

Date Mailed: July 30, 2010

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.

CGF/vc

cc:

