

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

IN THE MATTER OF:



Reg. No: 2010-32832
Issue No: 2009; 4031
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
June 9, 2010
Calhoun 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 June 9, 2010. Claimant personally appeared and testified. The record for this hearing closed August 10, 2010.

ISSUE

Whether claimant meets the disability criteria 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 March 24, 2010, claimant filed an application for Medical Assistance and State Disability Assistance benefits alleging disability.
- (2) On April 16, 2010, the Medical Review Team denied claimant could perform other work.
- (3) On April 19, 2010, the department case worker sent claimant notice that his application was denied.
- (4) On April 27, 2010, claimant filed a request for a hearing to contest the department's negative action.
- (5) On May 6, 2010, the State Hearing Review Team again denied claimant's application stating that it had insufficient evidence and requested a psychiatric examination.

- (6) The hearing was held on June 9, 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 August 5, 2010.
- (8) On August 6, 2010, the State Hearing Review Team approved claimant's application stating in its' recommendation: the Disability Determination Service approved this claimant for benefits in July 2010, with onset of August 2009. At this point it is not clear whether the claimant has been put into payment status or not as his claim is being reviewed by DQB. However, it is anticipated that he will be placed into payment status. Therefore, MA-p and retro- MA-P is approved effective December 2009. State Disability Assistance is approved per PEM 261. At medical review in August 2011, please check to see if claimant is in current payment status or not. If claimant is in current payment status at the medical review, no further action will be necessary. However, if claimant is not in current payment status at the medical review, please obtain updated application forms (DHS-49 forms) and obtain updated medical records in the form of psychiatric and physical examinations.
- (9) Claimant is a 50-year-old man whose birth date is [REDACTED]. Claimant is 5'8" tall and weighs 153 pounds. Claimant has a GED and an [REDACTED]. Claimant is able to read and write and does have basic math skills.
- (10) Claimant last worked as a temporary factory worker in 2006. Claimant has worked at a packaging company, as a shift supervisor at [REDACTED] as a mechanic and doing factory work.
- (11) Claimant alleges as disabling impairments: anxiety, ulcer, hypertension, depression, neck and back pain, chronic body pain, a fractured hip, and back surgery from February 1, 2010, as well as neck surgery October 19, 2009.

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 and because of the Social Security Administration determination, it is not necessary for this 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 Program and the State Disability Assistance Program as of the March 24, 2010, application date. Because claimant has a disability onset date of August 2009, if there is a retroactive Medical Assistance application claimant also meets the definition of medically disabled from December 2009.

Accordingly, the department's decision is REVERSED. The department is ORDERED to initiate a review of the March 24, 2010, 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 a determination in writing and if claimant is otherwise eligible shall pay to claimant any benefits to which he is entitled and shall open an on-going Medical Assistance benefit case if claimant is otherwise eligible.

The department is also ORDERED to conduct a medical review in August 2011, to determine if claimant is in current payment status with the Social Security Administration. If claimant is in current payment status at the medical review, no further action will be necessary. However, if the claimant is not in current payment status at the medical review, the department is ORDERED to assist claimant in obtaining updated application forms (DHS-49 forms) and updated medical records to include a complete physical and complete psychiatric evaluation.

Landis

/s/

Y. Lain
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

2010-32832/LYL

Date Signed: August 12, 2010

Date Mailed: August 13, 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.

LYL/alc

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