

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: 2010-32930
Issue No: 2009, 4031
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
May 27, 2010
Hillsdale 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 27, 2010. Claimant personally appeared and testified. This hearing was originally held by Administrative Law Judge Jana Bachman. Administrative Law Judge Bachman is no longer affiliated with the State Office of Administrative Hearings and Rules. Administrative Law Judge Landis Y. Lain completed this hearing decision by listening to the spoken record and reading the written record in the file.

ISSUE

Whether claimant meets the disability criteria for Medical Assistance and State Disability Assistance benefits?

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 15, 2010, claimant filed an application for Medical Assistance, State Disability Assistance and Retroactive Medical Assistance benefits alleging disability.
- (2) On April 12, 2010, the Medical Review Team denied claimant's application.
- (3) On April 14, 2010, the department case worker sent claimant notice that her 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 10, 2010, the State Hearing Review Team again denied claimant's application stating that it had insufficient evidence and requesting a complete physical examination an eye examination and an independent consultative physical examination.
- (6) The hearing was held on May 27, 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.
- (8) On January 27, 2008, the State Hearing Review Team approved claimant for Medical Assistance, retroactive Medical Assistance and State Disability Assistance benefits stating in its' analysis and recommendation: the additional objective medical evidence does not support the findings of the MRT. The additional evidence adds to the prior medical evidence and supports that the claimant would reasonably be limited to sedentary exertional tasks of a simple and repetitive nature. 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 a sedentary exertional range of simple and repetitive work. However, based on the claimant's vocational profile of 55 years old, a high school education and a history of sedentary skilled and medium unskilled employment, MA-P is approved using Vocational Rule 201.12 as a guide. Retroactive MA-P was considered in this case and is approved effective December 2009. SD A is approved in accordance with PEM 261. This case needs to be review for continuing benefits in January 2018.
- (9) Claimant is a 54-year-old woman whose birth date is [REDACTED] Claimant is 5'6" tall and weighs 212 pounds. Claimant is a high school graduate and has an Emergency Medical Technician degree.
- (10) Claimant last worked Medical Transport, factory laborer and a cashier and an Emergency Medical Technician.
- (11) Claimant alleges as disabling impairments: depression, bi-polar disorder, anxiety, hypertension, cataracts, and arthritis as well as obesity.

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).

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 State Hearing Review team decision, it is not necessary for this Administrative Law Judge to discuss the issue of disability per BAM, Item 600. 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 15, 2010, application date. Claimant also meets the definition of medically disabled for purposes of retroactive Medical Assistance benefits back to December 2009.

Accordingly, the department's decision is REVERSED. The department is ORDERED to initiate a review of the March 15, 2010, Medical Assistance and retroactive Medical Assistance application 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 a determination in writing.

The department is ORDERED to conduct a medical review in January 2018. At review, the following needs to be provided: prior medical packet; DHS-49, B, D, E, F, and G; all hospital and treating source notes and test results; all consultative examinations including those purchased by the Social Security Administration/Disability Determination Service.

Landis

/s/

Y. Lain

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

Date Signed: February 7, 2011

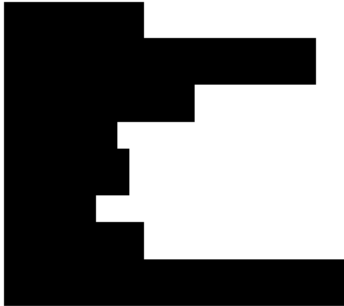
Date Mailed: February 8, 2011

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.

LYL/alc

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