# STATE OF MICHIGAN

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

IN THE MATTER OF:



Reg. No: 201032941 Issue No: 2009/4031 Case No: Hearing Date September 21, 2010 Wayne 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 September 21, 2010. Claimant was represented at the hearing by

This hearing was originally held by Administrative Law Judge Jana Bachman. Judge Bachman is no longer affiliated with the State Office of Administrative Hearings and Rules Department of Human Services and this hearing decision was completed by Administrative Law Judge Landis Y. Lain by considering the record in its' entirety.

## **ISSUE**

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

## 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 29, 2010, claimant filed an application for Medical Assistance and State Disability Assistance benefits alleging disability.
- 2. February 17, 2010, the Medical Review Team (MRT) denied claimant's application.
- 3. On March 9, 2010, the department caseworker sent claimant notice that his application was denied.

- 4. On March 9, 2010, claimant filed a request for a hearing to contest the department's negative action.
- 5. On May 11, 2010, the State Hearing Review Team (SHRT) again denied claimant's application stating in its analysis and recommendation:

The claimant had advanced degenerative changes in x-rays in both his right and left hips. He used a cane for ambulation because of the pain. He had decreased range of motion of the lumbar spine and bilateral hips. There was evidence of focal neurological deficits. The claimant was depressed but spontaneous, logical and goal-directed. 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 simple unskilled sedentary work. In lieu of detailed work history the claimant will be returned to other work. Therefore, based on the claimant's vocational profile of a younger individual, a 12<sup>th</sup> grade education and history of unskilled and semi-skilled work MA-P is denied using Vocational Rule 201.21 as a guide. Retroactive MA-P was considered in this case and is 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.

- 6. The hearing was held on September 21, 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 (SHRT) on January 7, 2011.
- 8. On January 21, 2011, the State Hearing Review Team (SHRT) again denied claimant's application.
- 9. On January 17, 2011, the Social Security Administration (SSA) issued a Fully Favorable Decision for SSI for claimant with a disability onset date of April 1, 2008.

# 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 (BAM), the Program 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 Program Administrative Manual (BAM), the Program 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. BEM Item 260. The department is required to initiate a determination of claimant's financial eligibility for State Disability Assistance 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 January 29, 2010 application date.

Accordingly, the department's decision is REVERSED. The department is ORDERED if it has not already done so, open an ongoing Medical Assistance case for the claimant effective the month of SSI entitlement.

The department is also ORDERED to initiate a review of the January 29, 2010 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 shall be conducted in March 2012 to determine if claimant remains eligible for SSI benefits.

<u>/s/</u>

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

Date Signed: <u>March 14, 2011</u>

Date Mailed: <u>March 14, 2011</u>

**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/db