

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: 201032941
Issue No: 2009/4031
Case No: [REDACTED]
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 [REDACTED]

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 12th 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

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

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