

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

IN THE MATTER OF:



Reg. No: 2010-37339  
Issue No: 2009; 4031  
Case No: [REDACTED]  
Load No: [REDACTED]  
Hearing Date:  
July 1, 2010  
Monroe County DHS

**ADMINISTRATIVE LAW JUDGE:** Landis Y. Lain for Jana Bachman

**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 July 1, 2010. Claimant personally appeared and testified. This hearing was originally held by Administrative Law Judge Jana Bachman. Judge Bachman is no longer affiliated with the department of Human Services and this hearing decision was completed by Administrative Law Judge Landis Y. Lain.

**ISSUE**

Did the Department of Human Services (the department) properly deny claimant's application 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 December 14, 2009, claimant filed an application for Medical Assistance, retroactive Medical Assistance and State Disability Assistance benefits alleging disability.
- (2) On March 26, 2010, the Medical Review Team denied claimant's application stating that claimant could perform other work pursuant to Medical Vocational Rule 202.14.
- (3) On April 16, 2010, the department case worker sent claimant notice that his application was denied.
- (4) On May 21, 2010, claimant filed a request for a hearing to contest the department's negative action.

- (5) On June 14, 2010, the State Hearing Review Team again denied claimant's application and stated that it had insufficient evidence and requested an independent consultative examination and an eye examination.
- (6) The hearing was held on July 1, 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 28, 2011, the State Hearing Review Team approved claimant for Medical Assistance and State Disability Assistance benefits and denied claimant's retroactive Medical Assistance benefit application stating in its' determination that the Social Security Administration Administrative Law Judge made a fully favorable determination dated August 13, 2010, with an established date of onset to December 29, 2009. It is noted that the claimant last performed gainful employment on December 8, 2009. The claimant is noted to retain the ability to perform sedentary exertional tasks but the past relevant work skills will not transfer within these limitations. Vocational Rule 201.12 is cited in this decision. The State Hearing Review Team adopts the SSA Administrative Law Judge decision and determined no medical review is necessary due to the SSA allowance. This case needs to be reviewed for continuing disability benefits on August 2017.
- (9) On the date of hearing claimant was a 51-year-old man whose birth date is [REDACTED]. Claimant is 6'4" tall and weighs 260 pounds. Claimant attended the 8<sup>th</sup> grade and does have a GED. Claimant does know how to read and write but cannot see. Claimant does know basic math but cannot see.
- (10) Claimant last worked December 2009 as a truck driver.
- (11) Claimant alleges as disabling impairments: blindness, diabetic neuropathy, and diabetes mellitus.

### **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 Social Security Administration determination it is not necessary for the 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 and State Disability Assistance program as of the December 14, 2009, application date.

Accordingly, the department's decision is PARTIALLY REVERSED. The department is ORDERED to initiate a review of the December 14, 2009, Medical Assistance 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 also PARTIALLY AFFIRMED. The department has established by the necessary competent, material and substantial evidence on the record that it was acting in compliance with department policy when it denied claimant's retroactive Medical Assistance application. The Social Security Administration has determined that claimant has a disability onset date of December 29, 2009, as of December 8, 2009, claimant last performed gainful employment and therefore the retroactive Medical Assistance application is hereby DENIED and the department's decision is PARTIALLY AFFIRMED.

Landis

/s/

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

Date Signed: February 15, 2011

Date Mailed: February 16, 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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