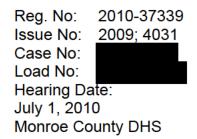
STATE OF MICHIGAN STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES ADMINISTRATIVE HEARINGS FOR THE DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:





ADMINISTRATIVE LAW JUDGE: Landis Y. Lain for Jana Bachman

HEARING DECISION

This matter is before the undersigned Admini strative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon claimant's request for a hearing. After due notic e, a telephone hearing was held on July 1, 2010. Claimant personally appear ed and testified. This hearing was originally held by Administ rative Law Judge Jana Bachm an. 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.

<u>ISSUE</u>

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 c 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 h ad insufficient evidence and requested an independent c onsultative examinat ion a nd 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 As sistance benefit application stating in its' determination that the Soc ial Security Administration Ad ministrative Law Judge made a fully favorable det ermination dated August 13, 2010, with an established date of onset to Dece mber 29, 2009. It is noted that the claimant last performed gai nful employment on December 8, 2009. The claimant is noted to retain the ability to perform sedentary exertion al 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 Administ rative Law J udge dec ision and determined no medic al review is necessar y due to the SSA allowance. This case needs to be revie wed for continuing disability b enefits on August 2017.
- (9) On the date of hearing claimant was a 51-y ear-old man whose birth date is claimant attended the 8 th grade and does have a GED. Claimant does know how to read and write but cannot see. Claimant does know bas ic math but cannot see.
- (10) Claimant last worked December 2009 as a truck driver.
- (11) Claimant alleges as disabling impair ments: blindness, diabetic neuropathy, and diabetes mellitus.

CONCLUSIONS OF LAW

The State Disability A ssistance (SDA) program which provides financial assistance for disabled persons is established by 2004 PA 344. The Department of Human Service s (DHS or department) admin isters the SDA program pursuant to MCL 400.10, *et seq.*, and MAC R 400.3151-400.3180. Department polic ies are found in the Bridges

Administrative Manua I (BAM), the Bridges Elig ibility Manual (BEM) and the Progra m Reference Manual (PRM).

The Medical Assistance (MA) program is estab lished by Title XIX of the Social Sec urity Act and is implemented by T itle 42 of the C ode 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 Administrati on determination it is not necessary for the Administrative Law J udge to discuss the iss ue of disability. PEM, Item 260. The department is required to initia te a determination of c laimant's financial eligibility for the requested benefits if not previously done.

DECISION AND ORDER

The Administrative Law Judge, based upon t he above findings of fact and conclusion s of law, decides that the claimant meets the definition of medically dis abled under the Medical As sistance and State Disability As sistance 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 als o PARTIALLY AFFIRM ED. The department has est ablished by the necess ary competent, materi al and subst antial evidence on the record that it was acting in compliance with department policy when it denied clai mant's retroactive Medical Assistance application. The Social Security Administration has determined that claimant has a disability ons et date of De cember 29, 2009, as of December 8, 2009, claimant last performed gainful employ ment and therefore the retroactive Me dical Assistance application is hereby DENIED and the department's decision is PARTIALLY AFFIRMED.

Landis

<u>/s/</u> 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 or der a rehearing or reconsideration on either its own motion or at t he request of a party within 30 days of the mailing date of this Decision and Order. Administrative Hear ings will not orde r a rehearing or reconsideration on the Department's mo tion where the final decis ion 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

