

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

IN THE MATTER OF:



Reg. No: 2010-40461
Issue No: 2009; 4031
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
August 18, 2010
St. Clair 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 August 18, 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 and this hearing decision was completed by Administrative Law Judge Landis Y. Lain.

ISSUE

Whether claimant meets the disability criteria for 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 September 30, 2009, claimant filed an application for Medical Assistance and State Disability Assistance benefits alleging disability.
- (2) On November 4, 2009, the Medical Review Team denied claimant's application.
- (3) On November 10, 2009, the department caseworker sent claimant notice that his application was denied.
- (4) On December 2, 2009, claimant filed a request for a hearing to contest the department's negative action.

- (5) On July 8, 2010, the State Hearing Review Team again denied claimant's application stating in its' analysis and recommendation: there is a partial pulmonary function study, p. 38, showing severe pre-medicated readings. However, there is no other mention related to pulmonary disease nor does the claimant allege this as a disabling condition; there is to be no further workup related to this finding. The evidence supports that the claimant would reasonably be limited to performing tasks of a sedentary nature. 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 a wide range of sedentary exertional work. Therefore, based on the claimant's vocational profile of 48 years old, a less than high school education and a history of medium semi-skilled employment, MA-P is denied using Vocational Rule 201.24 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 impairment's would not preclude work activity at the above state level for 90 days. Listings 1.02, 1.03, 1.04, and 11.14 were considered in this determination.
- (6) The hearing was held on August 18, 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, 2011, 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 Social Security Administration Administrative Law Judge made a fully favorable determination dated December 20, 2010, with an established date of onset to August 31, 2009, this date of onset is when claimant states they first became disabled. Adopting these Social Security Administration ALJ determination onset date. The claimant applied for benefits on September 30, 2009, and did not mark that they were requesting retroactive MA-P benefits. Retroactive MA-P will be granted to Social Security Administration ALJ established date of onset only. The claimant was approved for Social Security Disability benefits on December 20, 2010, and is currently in payment status. Therefore, MA-P and retroactive MA-P were approved effective August 31, 2009. State Disability Assistance is approved per PEM 261. No medical review is necessary due to the SSI allowance. This case needs to be reviewed for continuing benefits on January 2014.
- (9) Claimant is a 48-year-old man whose birth date is [REDACTED]. Claimant is 6' tall and weighs 290 pounds. Claimant completed the 8 grade.

- (10) Claimant last worked as a tractor trailer CDL driver and was self employed doing odd jobs and recycling and truck driving for 28 years.
- (11) Claimant alleges as disabling impairments: back, hip and foot pain, hearing and vision problems, asthma.

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. BEM, Item 260. The department is required to initiate a determination of claimant's financial eligibility for State Disability 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 retroactive Medical Assistance program as of August 31, 2009, disability onset date established by the Social Security Administration. Claimant does meet the definition of medically disabled for purposes of State Disability Assistance benefits as of the September 30, 2009, application date.

Accordingly, the department's decision is REVERSED. The department is ORDERED if it has not already done so to open an ongoing Medical Assistance case for the claimant effective the month of SSI entitlement. The department is also ORDERED to determine if all other non-medical eligibility criteria are met for purposes of State Disability Assistance benefits. The department shall inform the claimant of the determination in writing.

The department is ORDERED to conduct a medical review in January 2014. At review, the department is to review for continued benefits and the following needs to be provided: prior medical packet; DHS-49 B, F, G; all hospital and treating source notes and test results; all consultative examination 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 7, 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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