

STATE OF MICHIGAN
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

[REDACTED]
[REDACTED]
[REDACTED]

Reg. No: 2010-41416
Issue No: 2009, 4031
Case No: [REDACTED]
Hearing Date: July 29, 2010
Kent 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 July 29, 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 Michigan Administrative Hearing System Administrative Hearings for the Department of Human Services. This hearing decision was completed by Administrative Law Judge Landis Y. Lain by considering the entire record.

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 April 29, 2010, claimant filed an application for Medical Assistance, State Disability Assistance and Retroactive Medical Assistance benefits alleging disability.
- (2) On June 4, 2010, the Medical Review Team denied claimant's application stating that claimant's impairment's are not exertional.

- (3) On June 8, 2010, the department caseworker sent claimant notice that her application was denied.
- (4) On July 9, 2010, the State Hearing Review Team again denied claimant's stating they had insufficient evidence.
- (6) The hearing was held on July 29, 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 on July 29, 2011.
- (8) On July 22, 2011, the State Hearing Review Team approved claimant for Medical Assistance, retroactive Medical Assistance and State Disability Assistance stating in its analysis and recommendation: the claimant was approved for Social Security disability benefits on June 28, 2011 and is currently in payment status. Therefore, MA-P and retroactive MA-P are approved effective February 2010. SDA is approved per PEM 261. No medical review is necessary for this determination due to the SSA allowance. This case needs to be reviewed to determine continuing MA-P and SDA in July 2012. At review, the following needs to be provided: Prior medical packet; DHS-49, B, D, E, F, and G; all hospital and treating source notes and test results; all consultative examinations including those purchased by the SSA's determination service.
- (9) On the date of hearing claimant was a 33-year-old woman whose birth date was February 18, 1977. Claimant completed the 11th grade. Claimant is able to read and write and does have basic math skills.
- (10) Claimant last worked as a cashier
- (11) Claimant alleges as disabling impairments: Bipolar disorder, arthritis, schizophrenia, and depression.

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 (PAM), the Program Eligibility Manual (PEM) 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 program and retroactive Medical Assistance program as of February 2010. Claimant meets the definition of medically disabled under the State Disability Assistance program as of the April 29, 2010 application date.

Accordingly, the department's decision is REVERSED. The department is ORDERED to initiate a review of the April 29, 2010 application if it has not already done so to determine if all other nonmedical eligibility criteria are met. The department shall inform the claimant of the determination in writing. In addition, the department is ORDERED to open ongoing Medical Assistance case for the claimant effective the month of SSI entitlement. The department is also ORDERED to conduct a review of claimant's Medical Assistance and State Disability Assistance eligibility in July 2012. At review, the department shall assist claimant in providing: the prior medical packet, DHS-49B, D, E, F, and G; all hospital and treating source notes and test results; all consultative examinations; including those purchased by the Social Security Administration/Disability Determination Service.



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

Date Signed: July 26, 2011

Date Mailed: July 27, 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

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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/tg

cc:

