

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

IN THE MATTER OF:



Reg. No: 201043146
Issue No: 2009/4031
Case No: [REDACTED]
Hearing Date
August 12, 2010
Kalamazoo 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 August 12, 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 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 entire record.

ISSUE

Whether claimant meets the disability criteria for Medical Assistance (MA-P), retroactive Medical Assistance (retro 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 March 5, 2010, claimant filed an application for Medical Assistance, retroactive Medical Assistance and State Disability Assistance benefits alleging disability.
2. On May 10, 2010, the Medical Review Team (MRT) denied claimant's application stating that claimant's impairments lacked duration.
3. On May 24, 2010, the department caseworker sent claimant notice that the application was denied.

4. On June 28, 2010, claimant filed a request for hearing to contest the department's negative action.
5. On July 26, 2010, the State Hearing Review Team (SHRT) again denied claimant's application stating that it needed additional medical information.
6. The hearing was held on August 12, 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 March 31, 2011.
8. On April 5, 2011, the State Hearing Review Team approved claimant for Medical Assistance, retroactive MA-P and SDA stating that the Social Security Administration (SSA) Administrative Law Judge made a favorable decision dated December 15, 2010 establishing benefits to December 29, 2009. Vocational Rule 201.00(h) was cited. Impairing conditions considered were: low back pain, chronic obstructive pulmonary disease, depression, anxiety and paranoia.
9. On the date of hearing, claimant was a 46-year old woman whose birth date is [REDACTED]. Claimant was 5'2" tall and weighed 100 pounds. Claimant attended the ninth grade and is able to read and write and does have basic math skills.
10. Claimant last worked in 2007 in food preparation. Claimant has also worked as a custodian and in factory labor.
11. Claimant alleged as disabling impairments: anxiety, depression, emphysema, stroke, back and leg pain, left arm malfunction.

CONCLUSIONS OF LAW

The regulations governing the hearing and appeal process for applicants and recipients of public assistance in Michigan are found in the Michigan Administrative Code, MAC R 400.901-400.951. An opportunity for a hearing shall be granted to an applicant who requests a hearing because his or her claim for assistance has been denied. MAC R 400.903(1). Clients have the right to contest a department decision affecting eligibility or benefit levels whenever it is believed that the decision is incorrect. The department will provide an administrative hearing to review the decision and determine the appropriateness of that decision. BAM 600.

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 Program Administrative Manual (BAM), the Program Eligibility Manual (BEM) and the Program Reference Manual (PRM).

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).

Because of the Social Security Administration's determination it is not necessary for the Administrative Law Judge to discuss the issue of disability. 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 the claimant meets the definition of medically disabled under the Medical Assistance program as of the March 5, 2010 application date.

Accordingly, the department's decision is REVERSED. The department is ORDERED to initiate a review of the March 5, 2010 Medical Assistance, retroactive 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 the determination in writing. This case needs to be reviewed for continuing MA-P and on April 2012. At review the following needs to be provided: prior medical packet; DHS-49 b, D, E, F, G; all hospital and treating source notes and test results; all consultative examinations, including those purchased by the SSA/Disability Determination Service.

/s/

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

Date Signed: April 15, 2011

Date Mailed: April 15, 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/db

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