

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

IN THE MATTER OF:



Reg. No: 2010-47561
Issue No: 2009, 4031
Case No: [REDACTED]
Hearing Date: September 14, 2010
Wexford County DHS

ADMINISTRATIVE LAW JUDGE: Landis Y. Lain for Jay W. Sexton

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 September 14, 2010. Claimant personally appeared and testified.

This hearing was originally held by Administrative Law Judge Jay Sexton. Jay Sexton 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 June 14, 2010, claimant filed an application for Medical Assistance, retroactive Medical Assistance and State Disability Assistance benefits alleging disability.
- (2) On July 8, 2010, the Medical Review Team approved claimant for State Disability Assistance until September 2010 and denied claimant's application for Medical Assistance and retroactive Medical Assistance benefits stating that claimant's impairments lack duration.
- (3) On July 14, 2010, the department caseworker sent claimant notice that his application was denied.

- (4) On July 30, 2010, claimant filed a request for a hearing to contest the department's negative action.
- (5) On August 18, 2010, the State Hearing Review Team again denied claimant's application stating that it needed additional medical information.
- (6) The hearing was held on September 14, 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 September 16, 2010.
- (8) On October 29, 2010, the State Hearing Review Team again denied claimant's application stating in its' analysis and recommendation: the objective medical evidence supports the findings of the Medical Review Team that this medical condition is not anticipated to persist for a period of 12 months or greater. The medical evidence of record indicates that the claimant's condition is improving or is expected to improve within 12 months from the date of onset or from the date of surgery. Therefore, MA-P is denied due to lack of duration under 20 CF R 416.909. Retroactive MA-P was considered in this case and is also denied. SDA was previously approved by the Medical Review Team and therefore not part of this determination. Listings 1.02, 1.03, 1.04, 1.05, and 11.14 were considered in this determination.
- (9) On the date of hearing claimant is a 55-year-old man whose birth date is [REDACTED]. Claimant has less than a high school graduate and a history of light unskilled employment.
- (10) Claimant alleges as disabling impairments: a broken neck and back.
- (11) On September 16, 2011, the Administrative Law Judge received an SOLQ from the Social Security Administration which showed that on June 23, 2011, the Social Security Administration approved claimant for RSDI with a disability onset date of April 10, 2010.

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 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).

A person eligible for Retirement, Survivors and Disability Insurance (RSDI) benefits based on the disability of blindness meets the disability of blindness criteria. Disability or blindness starts from the RSDI disability onset date established by the Social Security Administration (SSA). This includes the person whose entire RSDI benefits are being withheld for recoupment. No other evidence is required. BEM, Item 260, p. 1.

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 the 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 the State Disability Assistance program as of the June 14, 2010, application date. Claimant also meets the definition of medically disabled as of the retroactive Medical Assistance application date based upon a disability onset date of April 10, 2010.

Accordingly, the department's decision is REVERSED. The department is ORDERED to initiate a review of the June 14, 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.

The department is ORDERED to conduct a medical review in September 2012.

Landis

/s/

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

Date Signed: September 22, 2011

Date Mailed: September 23, 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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