

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

IN THE MATTER OF:



Reg. No: 2010-49567
Issue No: 2009; 4031
Case No: [REDACTED]
Hearing Date:
September 22, 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 September 22, 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 record in its entirety.

ISSUE

Whether claimant meets the disability criteria for Medical Assistance, retroactive 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 June 1, 2010, claimant filed an application for Medical Assistance, retroactive Medical Assistance and State Disability Assistance benefits alleging disability.
- (2) On July 7, 2010, the Medical Review Team denied claimant's application stating that claimant's impairments lack duration.
- (3) On July 22, 2010, the department caseworker sent claimant notice that his application was denied.
- (4) On July 22, 2010, claimant filed a request for a hearing to contest the department's negative action.

- (5) On August 27, 2010, the State Hearing Review Team again denied claimant's application stating that there was insufficient evidence and requested a complete physical examination and all prior medical documentation.
- (6) The hearing was held on September 22, 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 January 7, 2011.
- (8) On January 24, 2011, the State Hearing Review Team approved claimant, stating in its' analysis and recommendation: The claimant was admitted due to a CVA in June 2010. In October 2010, he had limited use of his left arm with only 10% grip strength remaining. His dexterity was severely impaired on the left. He had weakness on the left arm and leg. He was developing spasticity in the left hand and arm in October 2010. He walked with an ataxic gait. He had a history of alcohol dependence but was in early sustained remission. His reasoning was literal and concrete. He was poor at simple and sequential mental arithmetic. The claimant's impairments do not meet/equal the intent or severity of an appropriate Social Security listing. The medical evidence of record indicates that the claimant retains the capacity to perform simple unskilled light one handed work. The claimant is unable to return to his past work. Therefore, based on the claimant's vocational profile of closely approaching advanced age at 54, a 12th grade education and a history of working as a handyman. MA-P is approved using Vocational Rule 201.12 as a guide. Retroactive MA-P was considered in this case and is approved effective May 2010. SDA is approved in accordance with PEM 261.
- (9) On the date of hearing claimant was a 54-year-old man whose birth date is [REDACTED]. Claimant is 5'5" tall and weighs 190 pounds. Claimant completed the 12th grade. Claimant is able to read and write and does have basic math skills.
- (10) Claimant last worked around February 2010 as a handyman.
- (11) Claimant alleges as disabling impairments: stroke, left side paralysis, dysarthria, mild dysphagia.

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 SHRT determination it is not necessary for the Administrative Law Judge to discuss the issue of disability per BAM, Item 600. 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, retroactive Medical Assistance and State Disability Assistance programs as of the June 1, 2010, application date and the retroactive application dates for May, April, and March of 2010.

Accordingly, the department's decision is REVERSED. The department is ORDERED to initiate a review of the June 1, 2010, 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. At medical review in February 2012, claimant and the department are to obtain updated application forms, DHS-49 forms, attach the prior medical file and obtain all updated medical records.

Landis

/s/

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

Date Signed: February 23, 2011

Date Mailed: February 24, 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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