

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

IN THE MATTER OF:



Reg. No: 201050967

Issue No: 2009/4031



Hearing Date

September 30, 2010

Dickinson 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 September 30, 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) 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 July 13, 2010, claimant filed an application for Medical Assistance, retroactive Medical Assistance and State Disability Assistance alleging disability.
2. On August 11, 2010, the Medical Review Team (MRT) denied claimant's application stating that claimant has substance abuse.
3. On August 13, 2010, the department caseworker sent claimant notice that his application was denied.

4. On August 23, 2010, claimant filed a request for a hearing to contest the department's negative action.
5. On September 7, 2010, the State Hearing Review Team (SHRT) again denied claimant's application stating in its analysis and recommended decision: Per 20 CFR 416.909 the claimant's condition/alleged impairment is not expected to last for a continuous period of 12 months or the claimant's impairment is expected to improve postoperatively. The 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 return to his past job as a pipefitter. Therefore, based on the claimant's vocational profile of advanced age, 12 years of education and a skilled work history; MA-P is denied using Vocational Rule 202.17 as a guide. Retroactive MA-P was considered in this case and is also denied. SDA is denied per PEM 261.
6. On the date of hearing, claimant was a 61-year-old male whose birth date is [REDACTED]. Claimant was 5'6" tall and weighed 115 pounds. Claimant completed the 12th grade and went to school for pipefitting, welding and auto repair. Claimant is able to read and write and does have basic math skills.
7. Claimant last worked in March 2000 claiming he was laid off. Claimant worked as a pipefitter for 12 years.
8. Claimant alleges as disabling impairments: post surgery on his right foot.
9. On March 31, 2011, Administrative Law Judge Lain received an SOLQ from the Social Security Administration (SSA) which indicates that claimant is in payment status for RSDI income and has a disability onset date of May 16, 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 Program Administrative Manual (BAM), the Program 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 Program Administrative Manual (BAM), the Program Eligibility Manual (BEM) and the Program Reference Manual (PRM).

Because of the Social Security Administration (SSA) determination 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's meets the definition of medially disabled under the Medical Assistance, retroactive Medical Assistance and State Disability Assistance programs as of the July 13, 2010 application date and for purposes of retroactive Medical Assistance benefits for the months of June, May and April 2010.

Accordingly, the department's decision is REVERSED. The department is ORDERED to initiate a review of the July 13, 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.

/s/

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

Date Signed: April 4, 2011

Date Mailed: April 4, 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

cc: TERRY FAULL
Dickinson County DHS
R. Gruber
M. Best
M. Coxon
B. Dixon
EQADHShearings
L. Y. Lain
Administrative Hearings

201050967/lyl