

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

IN THE MATTER OF:



Reg. No: 2010-53914
Issue No: 2009, 4031
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
November 03, 2010
Mecosta 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 November 3, 2010. Claimant personally appeared and testified.

ISSUE

Whether the 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 June 18, 2010, claimant filed an application for Medical Assistance and State Disability Assistance benefits alleging disability.
- (2) On August 16, 2010, the Medical Review Team denied claimant's application stating that claimant could perform other work.
- (3) On August 26, 2010, the department case worker sent claimant notice that her application was denied.
- (4) On September 3, 2010, claimant filed a request for a hearing to contest the department's negative action.
- (5) On September 23, 2010, the State Hearing Review Team again denied claimant's application stating in its' analysis and recommended decision: the objective medical evidence present does not establish a disability at

the listing or equivalence level. The collective Medical evidence shows that the claimant is capable of performing a wide range of light work. The claimant's 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 perform a wide range of light work. Therefore, based on the claimant's vocational profile of a younger individual, high school education and an unskilled work history, MA-P is denied using Vocational Rule 202.20 as a guide. Retroactive MA-P was considered in this case and is also denied. SDA is denied per PEM 261 because the nature and severity of the claimant's impairments would not preclude work activity at the above stated level for 90 days.

- (6) The hearing was held on November 3, 2010. At the hearing, claimant waived the time periods and requested to submit additional medical information.
- (7) On February 4, 2011, the State Hearing Review Team approved claimant stating in its' analysis and recommendation: the objective medical evidence supports that the claimant's condition does not meet or equal any listing level criteria. However, the evidence does also support that the claimant would not be able to reasonably perform even sedentary exertional tasks. 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 claimant retains the capacity to perform a less than sedentary exertional range of work. However, based on the claimant's vocational profile of 21 years old, a high school education and a history of no gainful employment, MA-P is approved using Vocational Rule 201.00(h) as a guide. Retroactive MA-p was considered in this case and is approved effective March 2010. SDA is approved in accordance with PEM 261. This case needs to be reviewed for continuing benefits in February 2010.
- (8) Claimant is a 21-year-old woman whose birth date is [REDACTED] [REDACTED]. Claimant is 5'1" tall and weighs 113 pounds. Claimant is a high school graduate. Claimant is able to read and write and does have basic math skills.
- (9) Claimant has no work history.
- (10) Claimant alleges as disabling impairments: broncho pulmonary dysplasia causing chronic obstructive pulmonary disease. Her lung function results show FEV1 of 1.24 and met Social Security criteria up to age 18 under 1.03.02 chronic obstructive pulmonary insufficiency FEB criteria.

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 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 and retroactive Medical Assistance program as of the June 18, 2010, application date and for the months of March, April and May 2010. Claimant also meets the definition of medically disabled under the State Disability Assistance program as of the June 18, 2010, application.

Accordingly, the department's decision is REVERSED. The department is ORDERED to initiate a review of the June 18, 2010, application if it has not already done so to determine if all other non-medical eligibility criteria are met for Medical Assistance, retroactive Medical Assistance and State Disability Assistance benefits. The department shall inform the claimant of a determination in writing.

It is also ORDERED that a medical review be conducted in February 2012. At review the following needs to be provided: prior medical packet; DHS-49, B, F, G; all hospital and treating source notes and test results; all consultative examinations, including those purchased by the Social Security Administration/Disability Determination Service. Listings 2.02, 3.01 are to be considered in this determination.

Landis

/s/

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

Date Signed: February 15, 2011

Date Mailed: February 16, 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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