

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

IN THE MATTER OF:



Reg. No: 2010-54696

Issue No: 2009, 4031

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

November 30, 2010

Genesee County DHS (2)

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, an in-person hearing was held on November 30, 2010. Claimant personally appeared and testified. Claimant was represented at the hearing by [REDACTED]

ISSUE

Whether the claimant meets the disability criteria for Medical Assistance (MA-P), retroactive Medical Assistance (retro MA-P) and State Disability Assistance (SDA) benefits?

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 May 10, 2010, claimant filed an application for Medical Assistance, State Disability Assistance and Retroactive Medical Assistance benefits alleging disability.
- (2) On July 23, 2010, the Medical Review Team denied claimant's application stating that claimant's impairment's are non-exertional.
- (3) On August 22, 2010, the department case worker sent claimant notice that her application was denied.
- (4) On August 31, 2010, claimant filed a request for a hearing to contest the department's negative action.

- (5) On September 27, 2009, the State Hearing Review Team again denied claimant's application stating in its' analysis and recommendation: the claimant has a history of poly-substance abuse. She was admitted in April 2010, due to chest pain likely secondary to cocaine use. She was admitted in August 2010, due to a hypertensive emergency. Her **creatinine** was elevated but did not meet the listing level. Her blood pressure improved with treatment. Public 104-121 is cited due to the materiality of drug and alcohol abuse. 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 simple unskilled medium work. In lieu of detailed work history, the claimant will be returned to other work. Therefore, based on the claimant's vocational profile of closely approaching advanced age at 51, a high school equivalent education and a history of unskilled and semi-skilled work, MA-P is denied using Vocational Rule 203.21 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 30, 2010. At the hearing, claimant waived the time periods and requested to submit additional medical information.
- (7) Pursuant to a SOLQ from the Social Security Administration, claimant was approved for SSI with a disability onset date of June 18, 2010, and is in payment status to receive \$ [REDACTED] per month starting March 1, 2011.
- (8) Claimant is a 51-year-old woman whose birth date is [REDACTED]. Claimant is 5'3 1/4" tall and weighs 138 pounds. Claimant attended the 9th grade and has a GED. Claimant is able to read and write and can add, subtract and count money.
- (9) Claimant last worked in 2007 on an assembly line. Claimant has been a short-order cook and worked small industrial jobs.
- (10) Claimant alleges as disabling impairments: substance abuse, osteoporosis, rheumatoid arthritis, fibromyalgia, bi-polar disorder, schizoaffective disorder, lumbar problems, hypertension, Hepatitis C, diabetes mellitus, and high cholesterol, as well as heart palpitations, chronic kidney failure, anxiety, anger and mood swings.

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 Social Security Administration determination it is not necessary for this Administrative Law Judge to discuss the issue of disability. BEM, Item 260. The department is required to initiate a determination of claimant's financial eligibility for State Disability Assistance/or 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 May 10, 2010. Claimant also meets the definition of medically disabled under the retro-active Medical Assistance application for the month of February, March and April 2010.

Accordingly, the department's decision is REVERSED. The department is ORDERED to initiate a review of the May 10, 2010, Medical Assistance and State Disability Assistance application and retroactive Medical 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 a determination in writing.

In addition, the department is ORDERED to open an on-going Medical Assistance case for the claimant effective the month of SSI entitlement.

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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