

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

IN THE MATTER OF THE CLAIM OF:

[REDACTED]

Reg No.:2010-15042
Issue No.: 4031
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: 03/04/10
Muskegon 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 the claimant's request for a hearing. After due notice, a telephone hearing was held on 03/04/10. The claimant appeared and testified.

ISSUE

Did the department of Human Services (the department) properly deny claimant's continued receipt of State Disability Assistance (SDA)?

FINDINGS OF FACT

The Administrative Law Judge, based upon the competent, material, and substantial evidence on the whole record, finds a material fact:

- (1) Claimant was a State Disability Assistance benefit recipient.
- (2) On August 1, 2009, claimant's State Disability Assistance benefits case was eligible for review.
- (3) On November 30, 2009, the Medical Review Team denied claimant's continued State Disability Assistance.
- (4) On December 3, 2009, the department caseworker sent claimant notice that her State Disability Assistance benefits would be denied.
- (5) On December 7, 2009, claimant filed a request for a hearing to contest the department's negative action.

- (6) On January 19, 2010, the State Hearing Review Team denied claimant's application stating that it had insufficient evidence and requested a psychiatric evaluation.
- (7) The hearing was held on March 4, 2010. At the hearing, claimant waived the time periods and requested to submit additional medical information.
- (8) Additional medical information was submitted and sent to the State Hearing Review Team on March 8, 2010.
- (9) On March 15, 2010, the State Hearing Review Team approved claimant for continued State Disability Assistance benefits stating in its' analysis and recommendation: There is a Social Security Administration denial to simple and repetitive tasks from May 2009; this decision is under appeal. The evidence during this period supports that there has not been significant medical improvement. While there is improvement in self-reported history of substance abuse, there is also increasing symptoms related to psychotic disorder. The medical evidence sufficiently demonstrates that the intent or severity of Listing 12.06-03 are met. Medicaid-P and retroactive Medicaid- P are not under appeal. State disability is approved for PEM 261; there is significant evidence to support that there is not been significant medical improvement in claimant's conditions. This case needs to be medically reviewed December 2010. At review the following needs to be provided: prior medical packet; DHS-49B, F,G; DHS-49D, E, F; all hospital and treating source notes and test results; medical examination report as well as residual functional capacity reports; all consultative examinations, including those purchased by the Social Security Administration/disability determination services.

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 (formerly known as the Family Independence Agency) administers the SDA program pursuant to MCL 400.10 *et seq.*, and MAC 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).

Because of the State Hearing Review Team determination it is not necessary for this Administrative Law Judge to discuss the issue of disability per BRIDGES Administrative Manual, Item 600. The department is required to initiate 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 State Disability Assistance program as of the August 1, 2009, review date.

Accordingly, the department's decision is REVERSED. It is ORDERED to initiate a review of the August 1, 2009, State Disability Assistance review 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.

The department is ORDERED to conduct a medical review of claimant's State Disability Assistance benefits in December 2010. At review, the department shall assist claimant in providing the following: the prior medical packet; a DHS-49B, DHS-49F, DHS-49G, DHS-49, DHS-49D, DHS-49E, all hospital and treating source notes and test results; all consultative examinations including those purchased by the Social Security Administration/Disability Determination Service.

/s/

Landis Y. Lain
Administrative Law Judge
For Ismael Ahmed, Director
Department of Human Services

Date Signed: July 06, 2010

Date Mailed: July 07, 2010

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.

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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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