

STATE OF MICHIGAN
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

[REDACTED]
[REDACTED]
[REDACTED]

Reg. No: 2010-17538
Issue No: 2009, 4031
Case No: [REDACTED]
Hearing Date: May 13, 2010
Livingston 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, an in person hearing was held on May 13, 2010. Claimant was represented at the hearing by [REDACTED]

This hearing was originally held by Administrative Law Judge Jay Sexton. Jay Sexton is no longer affiliated with the Michigan Administrative Hearing System Administrative Hearings for the Department of Human Services. This hearing decision was completed by Administrative Law Judge Landis Y. Lain by considering the entire record.

ISSUE

Did the Department of Human Services (the department) properly deny claimant's application 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 August 6, 2009, claimant filed an application for Medical Assistance, retroactive Medical Assistance and State Disability Assistance benefits alleging disability.
- (2) On September 30, 2009, the Medical Review Team denied claimant's application stating that claimant could perform other work pursuant to Medical Vocational Rule 202.28.
- (3) On October 21, 2009, the department caseworker sent claimant notice that his application was denied.

- (4) On January 19, 2010, [REDACTED] filed a request for a hearing to contest the department's negative action.
- (5) On February 16, 2010, the State Hearing Review Team again denied claimant's application stating that it had insufficient evidence in requesting incomplete independent physical consultative examination by an internist.
- (6) The hearing was held on May 13, 2010. At the hearing, claimant waived the time periods and requested to submit additional medical information.
- (7) On July 19, 2010, the State Hearing Review Team again denied claimant's application stating that claimant is capable of performing other work in the form of light work per 20 CFR 416.967(b) pursuant to Medical Vocational Rule 202.22.
- (8) On the date of hearing claimant was a 48-year-old man whose date of birth is [REDACTED].
- (9) Claimant alleges as disabling impairments: Acute coronary syndrome, left-sided bowel carcinoma, pulmonary embolism, seizures, shortness of breath, back pain, arthritis and depression.
- (10) On September 23, 2011, the Administrative Law Judge received an SOLQ from the Social Security Administration which indicates that claimant was granted RSDI with a disability onset date of November 18, 2002.

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 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).

A person eligible for Retirement, Survivor's and Disability Insurance (RSDI) benefits based upon their disability or blindness meets the disability or blindness criteria. Disability or blindness starts from the RSDI disability onset date established by the Social Security Administration (SSA). No other evidence is required. BEM, Item 260, page 1.

On January 1, 2006, the Social Security Administration determined that claimant became eligible to receive Retirement, Survivor's and Disability Insurance (RSDI) for the disability onset date of November 18, 2002. Because the Social Security Administration determination, it is no longer necessary for this Administrative Law Judge to address this issue of disability under the circumstances. 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 based upon the Social Security Administration's determination that found claimant disabled under the Social Security rules with the RSDI disability onset date of November 18, 2002. The claimant meets the definition of medically disabled under the Medical Assistance and retroactive Medical Assistance program as of the August 6, 2009 application date for the purposes of Medical Assistance and State Disability Assistance and for the months of May, June, and July based upon the retroactive Medical Assistance application.

Accordingly, the department's decision is REVERSED.

The department is ORDERED to initiate a review of the August 6, 2011 Medical Assistance, retroactive Medical Assistance and State Disability Assistance if it has not already done so to determine if all other nonmedical eligibility criteria are met, and if so, determine eligibility for Medical Assistance and retroactive Medical Assistance for the months of May 2009 forward and State Disability Assistance from August 6, 2009 forward. The department shall inform the claimant of a determination in writing.

The department is also ORDERED to conduct a medical review of the claimant's eligibility in September 2012.



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

Date Signed: September 26, 2011

Date Mailed: September 26, 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/tg

cc:

