

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

IN THE MATTER OF:

[REDACTED]

Reg. No: 2010-19841
Issue No: 2009, 4031
Case No: [REDACTED]
Hearing Date: March 24, 2010
Kent County DHS

ADMINISTRATIVE LAW JUDGE: Landis Y. Lain for Ivona Rairigh

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 March 24, 2010. Claimant personally appeared and testified. Claimant was represented at the hearing by [REDACTED].

This hearing was originally held by Administrative Law Judge Ivona Rairigh. Ivona Rairigh 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

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 December 18, 2009, claimant filed an application for Medical Assistance and State Disability Assistance benefits alleging disability.
- (2) On January 6, 2010, the Medical Review Team denied claimant's application.
- (3) On January 6, 2010, the department caseworker sent claimant notice that her application was denied.

- (4) On January 13, 2010, claimant filed a request for a hearing to contest the department's negative action.
- (5) On February 26, 2010, the State Hearing Review Team again denied claimant's application stating that the claimant has a history of non-ischemic cardiomyopathy with an ejection fraction of 30% prior to her ICD implantation in February 2009. On examination in July 2009 and September 2009 there was no evidence of congestive heart failure. The claimant was almost 300 pounds and most likely limited by her weight. The claimant's impairment's 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. In lieu of detailed work history, the claimant will be returned to other work. Therefore, based on the claimant's vocational profile of a younger individual , high school education and a history of unskilled and semi-skilled work, SDA is denied using Vocational Rule 202.20 as a guide because the nature and severity of the claimant's impairment's would not preclude work activity at the above stated level for 90 days.
- (6) The hearing was held on March 24, 2010. At the hearing, claimant waived the time periods and requested to submit additional medical information.
- (7) Additional medical information was submitted and sent to the State Hearing Review Team on April 6, 2010.
- (8) On April 7, 2010, the State Hearing Review Team again denied claimant's application and requested a psychiatric evaluation.
- (9) On May 6, 2010, the Social Security Administration approved claimant for RSDI with a disability onset date of April 9, 2009.
- (10) On the date of hearing claimant was a 43-year-old woman whose date of birth is [REDACTED]. Claimant was 5'8" tall and weighed 273 pounds. Claimant completed the 12th grade and also received a Nurse's Aide certificate.
- (11) Claimant last worked in 2009 in a factory.
- (12) Claimant alleges as disabling impairments: congestive heart failure, a defibrillator placement, depression, anxiety, and sleep apnea.

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 (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 Determination it 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 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 December 18, 2009 application.

Accordingly, the department's decision is REVERSED. The department is ORDERED to initiate a review of the claimant's December 18, 2009, 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: July 26, 2011

Date Mailed: July 27, 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.

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