

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF: [REDACTED]

Claimant

Reg. No: 2010-29198

Issue No: 4031

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

May 4, 2010

Berrien 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, a telephone hearing was held on . Claimant personally appeared and testified.

ISSUE

Whether claimant meets the disability criteria for 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 February 24, 2010, claimant filed an application for State Disability Assistance benefits alleging disability.
- (2) On March 22, 2010, the Medical Review Team denied claimant's application.
- (3) On March 24, 2010, the department caseworker sent claimant notice that his application was denied.

(4) On March 26, 2010, claimant filed a request for a hearing to contest the department's negative action.

(5) On April 14, 2010, the State Hearing Review Team again denied claimant's application stating that claimant's impairments lack duration.

(6) On June 10, 2010, the department caseworker sent Administrative Law Judge notice that claimant was approved for SSI and attached a copy of the SOLQ. The collateral contact with the Social Security Administration from June 10, 2010, indicates that the claimant will be receiving a lump sum of \$ [REDACTED]. The hearing was held on May 4, 2010, and an interim order was issued leaving the record open until July 15, 2010. The issue is not resolved as the claimant is eligible for SSI with a disability onset date of April 27, 2007.

(7) Claimant is a 48-year-old man whose birth date is [REDACTED]. Claimant is 6'1" tall and weighs 225 pounds. Claimant does have a GED and is able to read and write and can add, subtract and count money.

(8) Claimant last worked April 2007, for waste management as a trash truck driver.

(9) Claimant alleges as disabling impairments: degenerative disc disease, bi-polar disorder, post traumatic stress disorder, and hip problems.

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 Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) 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 benefits if not previously done.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that the claimant meets the definition of medically disabled under the Medical Assistance Program and the State Disability Assistance program as of the April 24, 2010, State Disability Assistance application date.

Accordingly, the department's decision is REVERSED. The department is ORDERED to initiate a review of the February 24, 2010, State Disability Assistance application if it has not already done so to determine if all non-medical eligibility criteria are met. The department shall inform the claimant of a decision in writing. In addition, the department is ORDERED to open an on-going Medical Assistance case effective the month of SSI entitlement.

/s/

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

Date Signed: June 16, 2010

Date Mailed: June 17, 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.

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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