

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

IN THE MATTER OF:

[REDACTED]

Reg No. 201029616
Issue No. 2009; 4031
Case No. [REDACTED]
Load No. [REDACTED]
Hearing Date: May 5, 2010
Genesee County DHS

ADMINISTRATIVE LAW JUDGE: Carmen G. Fahie

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9; MSA 16.409 and MCL 400.37; MSA 16.437 upon claimant's March 26, 2010 request for a hearing to protest the department's denial of continued Medical Assistance and State Disability Assistance. After due notice, a telephone hearing was held Wednesday, May 5, 2010. The claimant personally appeared and testified with his caseworker, [REDACTED].

ISSUE

Whether claimant meets the disability criteria for continued Medical Assistance (MA-P) and State Disability Assistance?

FINDINGS OF FACT

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

1. The claimant was a recipient of MA-P and SDA with a medical review required December 2009.
2. At the conclusion of the hearing, the record was held open at claimant's request for the submission of additional medical records. Medical records were received and submitted to the State Hearing Review Team (SHRT). SHRT approved claimant's claim of disability on July 1, 2010.

The claimant is 52 years old with a high school education and a history of no gainful employment.

The evidence supports that the claimant has not significantly improved from his earlier state. Therefore, benefits ought to continue at this time as the claimant would still be incapable of performing even simple and repetitive tasks.

The claimant's impairments do not meet/equal the intent or severity of an appropriate Social Security listing. The medical evidence of record indicates that the claimant does not retain the capacity to perform even simple and repetitive forms of work. Therefore, MA-P and SDA are continued as there has not been significant medical improvement from the decision that was made on January 9, 2009 by the Medical Review Team. Retroactive MA-P is not part of this appeal as only continuing benefits are being considered. This case needs to be reviewed for continuing benefits in January 2013. At review, the following needs to be provided: DHS-49B, F, G; DHS-49D, E; all hospital and treating source notes and test results; all consultative examinations, including those purchased by the Social Security Administration/Disability Determination Service. Listings 1.02, 1.03, 1.04, 12.03, 12.04, and 12.09 were considered in this determination.

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 the 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 (formerly known as the Family Independence Agency) 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 SHRT determination, it is not necessary for the Administrative Law Judge to discuss the issue of disability, per Program Administrative Manual, Item 600.

The department is required to initiate a determination of claimant's financial eligibility for the requested benefits, if not previously done. The claimant is eligible for continued MA-P and SDA to January 2013 where a medical review is required.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law decides that the claimant meets the criteria for continued MA-P and SDA to January 2013 with a medical review required.

Accordingly, the department is ORDERED to initiate a review of the December 12, 2009 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/ _____
Carmen G. Fahie
Administrative Law Judge
For Ismael Ahmed, Director
Department of Human Services

Date Signed: July 20, 2010

Date Mailed: July 20, 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.

CGF/vc

cc:

