

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: 2010-29913
Issue No: 2009; 4031
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
May 5, 2010
Schoolcraft 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 May 5, 2010. Claimant personally appeared and testified.

ISSUE

Whether 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 February 17, 2010, claimant filed an application for Medical Assistance, State Disability Assistance and retroactive Medical Assistance benefits alleging disability.
- (2) On March 19, 2010, the Medical Review Team denied claimant's application stating that claimant could perform other work pursuant to Medical Vocational Rule 203.29.

(3) On April 2, 2010, the department caseworker sent claimant notice that his application was denied.

(4) On April 8, 2010, claimant filed a request for a hearing to contest the department's negative action.

(5) On April 16, 2010, the State Hearing Review Team again denied claimant's application stating in its analysis and recommendation: the evidence supports that there is no severe psychiatric condition. Physically the claimant is currently stable. There is the need to avoid most areas associated with dust and fumes, secondary to asthma. The claimant retains the ability to perform medium exertional tasks. The claimant's impairments 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 medium exertional work; there are no psychiatric limitations. Therefore, based on the claimants vocational profile of 44 years old, at least of high school education and a history of no gainful employment, Medicaid-P is denied using Vocational Rule 203.28 as a guide. Retroactive Medicaid-P was considered in this case and is also denied. State Disability is denied per PEM 261 because the nature and severity of the claimant's impairments would not preclude work activity at the above stated level for 90 days. Listings 1.02, 1.03, 1.04, 3.03, 4.04, 9.02, 9.08, and 12.06 were considered in this determination..

(6) Claimant is a 44-year-old man whose birth date is [REDACTED] Claimant is 5'10" tall and weighs 205 pounds. Claimant is a high school graduate and has 3 semesters of college. Claimant is able to read and write and does have basic math skills.

(7) Claimant last worked January 2010 as a home health care aide for his mother. Claimant has also worked as drywall painter, bartender and cook.

(8) On May 26, 2010, the department caseworker notified the department that on May 21, 2010, the Social Security Administration approved claimant for SSI benefits with a disability onset date of January 7, 2010.

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 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).

Because of the Social Security Administration determination, it is not necessary for the Administrative Law Judge to discuss the issue of disability. PEM, Item 260. The department is required to initiate a determination of claimant's financial eligibility for State Disability Assistance benefits if it has not already previously done so.

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 Medical Assistance, retroactive Medical Assistance and State Disability Assistance benefits as of the February 17, 2010 application and retroactive Medical Assistance application date.

Accordingly, the department's decision is REVERSED. The department is ORDERED to initiate a review of the State Disability Assistance application and retroactive Medical 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. The department is also ORDERED to open an ongoing Medical Assistance case for the claimant effective the month of SSI entitlement.

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

Date Signed: June 02, 2010

Date Mailed: June 3, 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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