

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

IN THE MATTER OF:

[REDACTED]

Reg. No: 201030207

Issue No: 2009/4031

[REDACTED] [REDACTED]
Hearing Date:

May 18, 2010

Lapeer 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 18, 2010. Claimant personally appeared and testified. Claimant was represented at the hearing by [REDACTED]

This hearing was originally held by Administrative Law Judge Marlene B. Magyar. Judge Magyar is no longer affiliated with the Michigan Administrative Hearing System Administrative Hearings for the Department of Human Services and 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 14, 2009, claimant filed an application for Medical Assistance (MA-P), retroactive Medical Assistance (retro MA-P) and State Disability Assistance (SDA) benefits alleging disability.
2. On October 20, 2009, the Medical Review Team (MRT) denied claimant's application stating that claimant's impairments were non-severe.
3. On October 30, 2009, the department caseworker sent claimant notice that his application was denied.

4. On January 19, 2010, the claimant's representative filed a request for a hearing to contest the department's negative action.
5. On April 19, 2010, the State Hearing Review Team (SHRT) again denied claimant's application stating that claimant is capable of performing work in the form of light work pursuant to 20 CFR 416.967(b) and unskilled work per 20 CFR 416.968(a) pursuant to Medical Vocational Rule 202.13.
6. The hearing was held on May 18, 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 December 29, 2010.
8. On January 19, 2011, the State Hearing Review Team again denied claimant's application for retroactive Medical Assistance but approved claimant for Medical Assistance and State Disability Assistance stating in its analysis and recommendation: Adopt the SSA ALJ decision dated October 4, 2010 with onset date to February 2, 2010. The objective medical evidence prior to this date supports the findings of the State Hearing Review Team that the claimant would reasonably retain the ability to perform light exertional tasks. The claimant was approved for Social Security Disability benefits on October 4, 2010 and is currently in payment status. Therefore, MA-P is approved effective February 2, 2010. SDA is approved per PEM 261. 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 light exertional work. Therefore, based on the claimant's vocational profile of 55 years old (54 at application), has a high school education and a history of light, unskilled and semi-skilled and medium, semi-skilled employment retroactive MA-P is denied using Vocational Rule 202.18 as a guide. No medical review is necessary due to the SSA allowance. This case needs to be reviewed for continuing benefits in January 2018. At review, the following needs to be provided: prior medical packet; DHS-49, -B, -D; all hospital and treating source notes and test results; all consultative examinations, including those purchased by the SSA/Disability Determination Services. Listings 1.02/1.03/1.04, 3.01, 4.04, 8.01, 9.08, 11.04 and 11.14 were considered in this determination.
9. On the date of hearing, claimant was a 54-year-old man whose birth date is [REDACTED]. Claimant was 5'10" tall and weighed 300+ pounds. Claimant is right hand dominant.
10. Claimant last worked in 1993 as a relief engineer. Claimant has also worked as an independent contractor and as a hobby shop worker.

11. Claimant alleges as disabling impairments: diabetes mellitus, back pain, obesity, shortness of breath, hypertension, skin problems and transient ischemic attack (PIA).

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).

Based upon the October 4, 2010 determination by the Social Security Administration it is not necessary for this Administrative Law Judge to discuss the issue of disability. PEM, Item 260. The Administrative Law Judge at the Social Security Administration level indicated that based upon the application for a period of disability and disability insurance benefits protectively filed on July 30, 2009, the claimant has been disabled under Sections 216(i) and 223(d) of the Social Security Act since February 2, 2010. The Social Security Administration does govern the determination of disability and this Administrative Law Judge is bound by the determination. The Social Security Administration did determine that claimant was not disabled for the period of July 30, 2009 through February 1, 2010. Therefore, this Administrative Law Judge is bound by the determination and claimant's application for retroactive Medical Assistance benefits is hereby denied. 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 Medical Assistance program and the State Disability Assistance program as of the February 2, 2010 disability onset date as set by the Social Security Administration.

Accordingly, the department's decision is partially REVERSED. The department is ORDERED to initiate a review of the claimant's 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. If claimant is otherwise eligible, the department shall open an ongoing Medical Assistance and State Disability Assistance case for claimant from

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February 2, 2010 forward. 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: May 27, 2011

Date Mailed: May 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 receipt 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/db

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