

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

IN THE MATTER OF:



Reg. No: 201032156
Issue No: 2009; 4031
Case No: [REDACTED]
Hearing Date:
May 19, 2010
Lake 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 May 19, 2010. Claimant personally appeared and testified.

This hearing was originally held by Administrative Law Judge Ivona Rairigh. Ivona Rairigh is no longer affiliated with the Michigan Administrative Hearing System Department of Human Services and this hearing decision was completed by Administrative Law Judge Landis Y. Lain by considering the record in its' entirety.

ISSUE

Whether the claimant meets the disability criteria for Medical Assistance (MA-P), retroactive Medical Assistance (retro 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 January 25, 2010, claimant filed an application for Medical Assistance and State Disability Assistance benefits alleging disability.
- (2) On March 10, 2010, the Medical Review Team approved claimant for State Disability Assistance benefits until May 2010 and denied claimant's Medical Assistance application stating that claimant's impairments lack duration.

- (3) On March 11, 2010, the department caseworker sent claimant notice that his application was denied.
- (4) On April 22, 2010, claimant filed a request for a hearing to contest the department's negative action.
- (5) On April 30, 2010, the State Hearing Review Team again denied claimant's application stating that it had insufficient evidence and requested a psychological evaluation and a physical examination.
- (6) The hearing was held on May 19, 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 June 1, 2010.
- (8) On June 4, 2010, the State Hearing Review Team again denied claimant's application stating in its analysis and recommendation: the evidence supports that the claimant did have a more severe medical condition that did meet the requirements for State Disability but this condition has since shown significant medical improvement and will not last for a period of 12 months or greater. It is reasonable that the claimant will have persistent limitations that would prevent work greater than a light exertional nature. The medical evidence of record indicates that the claimant's condition is improving or is expected to improve within 12 months from the date of onset or from the date of surgery. 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 of a simple and repetitive nature. Therefore, based on the claimant's vocational profile of 51 years old, a high school education and a history of medium skilled employment, MA-P is denied using Vocational Rule 202.13 as a guide. Retroactive MA-P was considered in this case and is also denied. SDA is denied per PEM 261 because the medical condition has shown significant medical improvement; because the nature and severity of the claimant's impairments would not preclude work activity at the above stated level for 90 days. Listings 11.04 and 12.02, 12.04, 12.06, and 12.09 were considered in this determination.
- (9) On April 1, 2011, the Social Security Administration determined that claimant was eligible to receive SSDI with a disability onset date of January 5, 2010.

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 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 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 and State Disability Assistance programs as of the January 25, 2010, application date.

Accordingly, the department's decision is REVERSED. The department is ORDERED to initiate a review of the January 25, 2010, 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 a determination in writing.

A medical review shall be conducted in May 2012 to determine if claimant is still eligible for RSDI income/SSI. If claimant is eligible no medical review will be required. If claimant is no longer eligible for Social Security Administration benefits, the department

shall conduct a medical review and assist claimant in providing updated medical documents.

Landis

/s/

Y. Lain
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: May 11, 2011

Date Mailed: May 12, 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.

LYL/alc

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