

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: 2010-32258

Issue No: 2009

[REDACTED]

Ottawa 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 25, 2010. Claimant personally appeared and testified.

This hearing was originally held by Administrative Law Judge [REDACTED]. [REDACTED] 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 [REDACTED] 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 Retroactive Medical Assistance (Retro MA-P)?

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 October 1, 2009 claimant filed and application for Medical Assistance, Retroactive Medical Assistance and State Disability Assistance alleging disability.
- (2) On November 9, 2009, the Medical Review Team denied claimant's application for Medical Assistance and Retroactive Medical Assistance benefits stating the claimant's impairment did not meet duration. The Medical Review Team approved claimant for SDA assistance benefits from October 2009 to April 2010.

- (3) At some date in December or January 2010, claimant became aware that the Medical Review Team denied her application for MA-P and Retro MA-P assistance benefits.
- (4) On April 15, 2010, claimant filed a request for a hearing to contest the department's negative action.
- (5) On May 5, 2010, the State Hearing Review Team again denied claimant's application stating that it had insufficient evidence and requesting an internist evaluation and a psychiatric evaluation.
- (6) The hearing was held on May 25, 2010. At the hearing, claimant waived the time period to request additional medical information.
- (7) Additional medical information was submitted and sent to the State Hearing Review Team on July 28, 2010.
- (8) On July 30, 2010, the State Hearing Review Team again denied claimant's application stating the claimant is capable of performing work but avoiding excessive overhead reaching of the left upper extremity. The State Hearing Review Team stated that claimant could perform light work per 20 CFR 416.967(b) and unskilled work per 20 CFR 416.968(a) pursuant to Medical Vocational Rule 202.20.
- (9) Pursuant to an SOLQ report from the Social Security Administration on March 18, 2011, the SSA issued a fully favorable decision with a disability onset date of June 2007 for RSDI income.

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 Program

Administrative Manual (BAM), the Program 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 Program Administrative Manual (BAM), the Program Eligibility Manual (BEM) and the Program Reference Manual (PRM).

Based upon the Social Security Administration determination, it is not necessary for the 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 of 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 State Disability Assistance program as of the October 1, 2009 application date. Claimant also meets the definition of medically disabled for purposes of the Retroactive Medical Assistance application.

Accordingly, the department's decision is REVERSED. The department is ORDERED to initiate a review of the October 1, 2009, medical assistance, and retroactive medical assistance benefit application if it has not already do so to determine if all other nonmedical eligibility criteria are met. The department shall inform the claimant of the determination in writing. A medical review shall be conducted in July 2012.

_____/s/_____

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

Date Signed: 6/28/11

Date Mailed: 6/28/11

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/ds

■ [REDACTED]