

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: 2010-37864

Issue No: 2009, 4031

[REDACTED]

ADMINISTRATIVE LAW JUDGE: Landis Y. Lain for Jana Bachman

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 July 8, 2010. Claimant personally appeared and testified. Claimant was represented at the hearing by [REDACTED]

ISSUE

Whether the 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 April 14, 2010, claimant filed an application for Medical Assistance, State Disability Assistance and Retroactive Medical Assistance benefits alleging disability.
- (2) On May 4, 2010, the Medical Review Team denied claimant's application stating that claimant could perform prior work.
- (3) On May 13, 2010, the department caseworker sent claimant notice that her application was denied.
- (4) On May 26, 2010, claimant filed a request for a hearing to contest the department's negative action.

- (5) On June 15, 2010, the State Hearing Review Team again denied claimant's application stating in its' analysis and recommendation: the claimant's cardiac workup in February 2010 was essentially unremarkable. Her examination did show no posterior tibial pulses were able to palpated bilaterally. Her examination was otherwise unremarkable. The medical evidence of record does not document a mental/physical impairment that significantly limits the claimant's ability to perform basic work activities. Therefore, MA-P is denied per 20 CFR 416.921(a). Retroactive MA-P was considered in this case and is also denied. SDA is denied per PEM 261 due to lack of severity.
- (6) The hearing was held on July 8, 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.
- (8) On February 3, 2011, the State Hearing Review Team approved claimant for Medical Assistance, retroactive Medical Assistance and State Disability Assistance benefits stating that the Social Security Administrative Law Judge made a fully favorable decision dated December 16, 2010, allowing benefits to August 11, 2008. Impairing conditions are: degenerative joint disease of the left knee, carpal tunnel syndrome, asthma, obesity, and diabetes with neuropathy. The criteria for Vocational Rule 201.06 are met. The claimant was approved for Social Security Disability benefits on December 16, 2010, and is currently in payment status. Therefore, MA-P and retroactive MA-P are approved effective January 2010. SDA is approved per PEM 261. No medical review is necessary due to the SSA allowance. This case needs to be review for continuing benefits on February 2018. At review, the following needs to be provided: prior medical packet, DHS-49, B, F, and G; all hospital and treating source notes and test results; all consultative examinations including those purchased by the SSA/DDS.
- (9) On the date of hearing claimant was a 56-year-old woman whose birth date is January 30, 1954. Claimant is 5'3" tall and weighs 213 pounds. Claimant is a high school graduate. Claimant is able to read and write and does have basic math skills.
- (10) Claimant last worked in 2002 in customer service as a greeter; she also worked as a cook in a restaurant and in a foster care home.
- (11) Claimant alleges as disabling impairments: asthma, acid reflux, arthritis, heart disease, diabetes, lactose intolerance and neuropathy.

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 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 this Administrative Law Judge to discuss the issue of disability. PEM, Item 260. The department is required to initiate a determination of the claimant's financial eligibility for 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 April 14, 2010, application date and meets the definition of medially under the retroactive Medical Assistance application for the months of January, February, and March 2010.

Accordingly, the department's decision is REVERSED. The department is ORDERED to initiate a review of the April 14, 2010, Medical Assistance, retroactive 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.

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

Date Signed: 2/11/11

Date Mailed: 2/11/11

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.

[REDACTED]