

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:



Reg. No: 2010-38364
Issue No: 2009; 4031
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
September 28, 2010
Wayne County DHS (35)

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 September 28, 2010. Claimant personally appeared and testified.

ISSUE

Whether the claimant meets the disability criteria for Medical Assistance (MA-P), retroactive Medical Assistance (retro MA-P) and State Disability Assistance (SDA) benefits?

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 December 18, 2009, claimant filed an application for Medical Assistance and State Disability Assistance benefits alleging disability.
- (2) On April 8, 2010, the Medical Review Team denied claimant's application stating that claimant could perform other work.
- (3) On April 16, 2010, the department case worker sent claimant notice that his application was denied.
- (4) On April 29, 2010, claimant filed a request for a hearing to contest the department's negative action.
- (5) On June 21, 2010, the State Hearing Review Team again denied claimant's application stating that claimant is capable of performing other

work in the form of light work per 20 CFR 416.967(b) and unskilled work per 20 CFR 416.968(a) pursuant to Medical Vocational Rule 202.20.

- (6) The hearing was held on September 28, 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's application for Medical Assistance, retroactive Medical Assistance and State Disability Assistance benefits stating that the Social Security Administration Administrative Law Judge made a fully favorable decision on October 1, 2010, with an established date of onset to June 13, 2008. The Federal case is set for review in October 2011. Impairing conditions per Social Security Administrative Law Judge are cervical radiculopathy (C6-7), diffuse sclerosis entire L1 body with degenerative disc disease of lumbosacral region and history of schizophrenia and personality disorders. The claimant is capable of only sedentary tasks but with additional physical and mental limitations unable to perform substantial gainful activities; history of substance abuse is not material to the case.
- (9) On the date of hearing claimant is a 50-year-old man whose birth date is [REDACTED]. Claimant is 5'10" tall and weighs 210 pounds. Claimant completed the 12th grade. Claimant is able to read and write and does have basic math skills.
- (10) Claimant last worked construction in 2007. Claimant has also worked as a hi-lo driver.
- (11) Claimant alleges as disabling impairments: lower back pain, right shoulder pain with radiculopathy, eye pain, hypertension, high cholesterol, schizophrenia and bi-polar disorder.

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. BEM, 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 program and the State Disability Assistance program as of the December 18, 2009, application date. There is no evidence in the file that claimant filed an application for retroactive Medical Assistance.

Accordingly, the department's decision is REVERSED. The department is ORDERED to initiate a review of the December 18, 2009, 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.

In addition, the Social Security Administration filed claimant to have a fully favorable decision, however, it is not clear as to whether or not claimant is going to be receiving SSI or RSDI. The department is ORDERED to make a determination as to whether or not claimant is eligible for RSDI or SSI. If claimant is eligible for SSI, the department is to open an on-going Medical Assistance case for claimant effective the month of SSI entitlement.

Landis

/s/

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

Date Signed: February 15, 2011


Date Mailed: February 16, 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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