

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: 201045115
Issue No: 2009/4031
Case No: [REDACTED]
Hearing Date: September 2, 2010
County DHS Lapeer

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 September 2, 2010. Claimant was represented at the hearing by

[REDACTED]

This hearing was originally held by Administrative Law [REDACTED] [REDACTED] [REDACTED] is no longer affiliated with the Michigan Administrative Hearing System Administrative Hearings for the Department of Human Services. 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 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 19, 2010, claimant filed an application for Medical Assistance, Retroactive Medical Assistance and State Disability Assistance benefits alleging disability.
- (2) On June 23, 2010, the Medical Review Team approved claimant for State Disability Assistance benefits from April 2010 through August 2010, but

denied claimant's application for Medical Assistance stating that claimant impairments lacked duration.

- (3) On July 1, 2010, the department caseworker sent claimant notice that his application was denied.
- (4) On July 20, 2010, claimant filed a request for a hearing to contest the department's negative action.
- (5) On August 10, 2010, the State Hearing Review Team again denied claimant's application stating that claimant's impairment's lacked duration per 20CFR416.909.
- (6) The hearing was held on September 2, 2010. At the hearing claimant waived the time period and requested to submit additional medical information.
- (7) On October 27, 2011, additional medical information was received and sent to the State Hearing Review Team.
- (8) On January 4, 2012, the State Hearing Review Team approved claimant for Medical Assistance, Retroactive Medical Assistance and State Disability Assistance benefits stating in its analysis and recommendation: the claimant is not currently engaging in substantial gainful activity based on the information that was available in the file. The claimant has severe impairments. 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 would be incapable of performing even sedentary exertional task. The claimant's past relevant work was as a laser cutter, 815.682-010, 4L. As such, the claimant would be unable to perform the duties associated with their past work and their past work skills will not transfer within the above limitations. Based on the claimant's vocational profile of 49 years old, a high school education and a history of light exertional, semi-skilled employment, MA-P is approved using Vocational Rule 201.00(h) as a guide. Retroactive MA-P was considered in this case and is approved effective January 2010. SDA was previously approved citing the MRT determination dated June 23, 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 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).

Because of the State Hearing Review Team determination it is not necessary for the Administrative Law Judge to discuss the issue of disability per Bridges Administrative Manual, Item 600. The department is required to initiate a determination of the 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 claimant meets the definition of Medically Disabled on the Medical Assistance Program effective January 2010, and continue to be eligible for State Disability Assistance benefits.

Accordingly, the department's decision is REVERSED. The department is ORDERED to initiate a review of the April 19, 2010 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 the determination in writing. The department is also ORDERED to conduct a Medical Review to determine MA-P and SDA benefits in January 2013. At review the following needs to be provided: Prior medical packet; DHS-49, b, F, G; all hospital and treating source notes; all consultative examinations, including those purchased by the Social Security Administration /Disability Determination Service.

/s/

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

Date Signed: 2/9/12

Date Mailed: 2/9/12

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]