

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

IN THE MATTER OF:



Reg. No: 2010-46257
Issue No: 2009; 4031
Case No: [REDACTED]
Hearing Date:
September 9, 2010
Isabella 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 September 9, 2010. Claimant personally appeared and testified. This hearing was originally held by Administrative Law Judge Jana Bachman. Judge Bachman is no longer affiliated with the State Office of Administrative Hearings and Rules 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

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 May 10, 2010, claimant filed an application for Medical Assistance and State Disability Assistance benefits alleging disability.
- (2) On July 7, 2010, the Medical Review Team denied claimant's application stating that claimant could perform prior work.
- (3) On July 15, 2010, the department caseworker sent claimant notice that his application was denied.
- (4) On July 27, 2010, claimant filed a request for a hearing to contest the department's negative action.

- (5) On August 6, 2010, the State Hearing Review Team again denied claimant's application stating that claimant could perform his past work as a professor on a prior application. On July 9, 2010, the Medical Review Team again denied claimant's application stating that claimant could perform his prior work.
- (6) On August 16, 2010, the State Hearing Review Team again denied claimant's application stating in its' analysis and recommendation: the evidence does not support that there is any severe psychological condition that would impede the claimant's ability to perform gainful employment. The evidence does support that claimant would be reasonably limited to perform a task of a sedentary exertional nature. There is a Department of Human Services Administrative Law Judge decision dated April 28, 2010, noting that the claimant retains the ability to perform duties associated with the past relevant work. The claimant retains the physical residual functional capacity to perform sedentary exertional work; there is no evidence of when the patient associated with psychiatric conditions. The claimant has a history of sedentary and light skilled employment. Therefore, the claimant retains the capacity to perform the past sedentary skills relevant work. MA-P is denied per 20 CFR 416.920(e). Retroactive was considered in this case and is also denied. SDA is denied per PEM 261 due to the capacity to perform past relevant work. Listings 1.02, 1.03, 1.04, 2.07, 4.04, 9.02, 9.08, 11.14, 12.04 and 12.07 were considered in this determination.
- (7) The hearing was held on September 9, 2010. At the hearing, claimant waived the time periods and requested to submit additional medical information.
- (8) Additional medical information was submitted and sent to the State Hearing Review Team on January 7, 2011.
- (9) On January 28, 2011, the State Hearing Review Team again denied claimant's application stating in its' analysis and recommendation: the determination of the MRT and SHRT are supported by the objective medical evidence. The claimant retains the physical residual functional capacity to perform sedentary exertional work. The claimant's past work was sedentary and light skilled in nature. Therefore, the claimant retains the capacity to perform their past relevant work as a professor. MA-P is denied per 20 CFR 416.920(e). Retroactive MA-P was considered in this case and is also denied. SDA is denied per PEM 261 due to the capacity to perform past relevant work. Listings 1.02, 1.03, 1.04, 2.07, 4.04, 9.02, 9.08, 11.14, 12.04 and 12.07 were considered in this case.

- (10) On February 24, 2011, this Administrative Law Judge received an SOLQ data from the Social Security Administration which indicates that claimant has been approved for SSI benefits with a disability onset date of August 26, 2009.

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. BEM, Item 260. The department is required to initiate a determination of claimant's financial eligibility for State Disability Assistance 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 May 10, 2010, application date.

Accordingly, the department's decision is REVERSED. The department is ORDERED to open an on-going Medical Assistance case for the claimant effective the month of SSI entitlement. The department is also ORDERED to determine if all other non-medical

eligibility criteria are met for State Disability Assistance benefits and to notify the claimant of the determination in writing.

Landis

/s/

Y. Lain

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

Date Signed: March 31, 2011

Date Mailed: March 31, 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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