

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

IN THE MATTER OF:



Reg. No: 2010-49363
Issue No: 2009; 4031
Case No: [REDACTED]
Hearing Date:
December 7, 2010
Wayne County DHS (49)

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 December 7, 2010. Claimant personally appeared and testified.

ISSUE

Whether claimant meets the disability criteria for Medical Assistance (MA-P), retroactive Medical Assistance (retro MA-P) or 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 June 1, 2010, claimant filed an application for Medical Assistance and State Disability Assistance benefits alleging disability.
- (2) On June 23, 2010, the Medical Review Team denied claimant's application stating that claimant had significant medical improvement.
- (3) On July 29, 2010, the department caseworker sent claimant notice that his application for continued Medical Assistance and State Disability Assistance benefits was denied.
- (4) On August 9, 2010, claimant filed a request for a hearing to contest the department's negative action.
- (5) On August 25, 2010, the State Hearing Review Team again denied claimant's review application stating in its analysis and recommendation: the evidence supports that the claimant has evidence of significant

medical improvement relative to the MRT determination of February 20, 2009. It is reasonable that the claimant would be limited to performing light exertional tasks secondary to their impairing conditions. The evidence supports that there has been significant medical improvement in the claimant's condition when compared to the findings of MRT determination dated February 20, 2009. 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 retains the capacity to perform a wide range of light exertional work. Therefore, based on the claimant's vocational profile of 46- years old, at least a high school education and a history of no gainful employment, MA-P is denied is using Vocational Rule 202.20 as a guide. Retroactive MA-P is not a part of this appeal as it was a denial of previous benefits. SDA was not applied for by the claimant. Listing 1.02, 1.03, 1.04, 3.02, 3.03, 4.02, 4.04, 11.14 and 12.09 were considered in this determination.

- (7) The hearing was held on December 7, 2010. At the hearing, claimant waived the time periods and requested to submit additional medical information.
- (8) Additional medical information was received and sent to the State Hearing Review Team on February 17, 2011.
- (9) On March 7, 2011, the State Hearing Review Team approved claimant for Medical Assistance and State Disability Assistance benefits stating in its analysis and recommendation: The objective medical evidence supports that the claimant's condition continues to meet the criteria for listings 4.02b and that there is no evidence of significant medical improvement. The medical evidence sufficiently demonstrates that the intent and severity of listing 4.02(B) continues to be met; there is no evidence of a significant medical improvement. MA -P is approved. SDA is approved per PEM 261. Retroactive MA-P was considered in this case as only MA-P and SDA continuation were being reviewed. This case needs to be reviewed for continuing MA-P and SDA benefits in March 2012.
- (10) Claimant is a 46-year-old man whose birth date is [REDACTED] Claimant is 5' 10" tall and weighs 240 pounds. Claimant attended 3 years of college. Claimant is able to read and write and does have basic math skills.
- (11) Claimant last worked 2008 molding auto parts. Claimant has also worked as maintenance in a hotel and as a cook and in factories.
- (12) Claimant alleges as disabling impairments: congestive heart failure, hypertension, gout, gunshot wounds and poly substance abuse.

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 (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 Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

Because of the SHRT determination it is not necessary for this Administrative Law Judge to discuss the issue of disability per PAM, Item 600 and BAM, Item 600. 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 June 1, 2010, review application date.

Accordingly, the department's decision is REVERSED. The department is ORDERED to initiate a review of the June 1, 2010, review 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.

The department is ORDERED to conduct a medical review in March 2012. At that time, the following needs to be presented: prior medical packet; DHS-49, B, D, E, F and G; all hospital and treating source notes and test results; all consultative examinations,

