

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

IN THE MATTER OF:



Reg. No: 201053949
Issue No: 2009/4031
Case No: [REDACTED]
Hearing Date
October 27, 2010
Saginaw 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, an in-person hearing was held on October 27, 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 entire record.

ISSUE

Whether claimant meets the disability criteria for Medical Assistance (MA), retroactive Medical Assistance (MA) 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 July 12, 2010, claimant filed an application for Medical Assistance, retroactive Medical Assistance and State Disability Assistance benefits alleging disability.
2. On August 27, 2010, the Medical Review Team (MRT) denied claimant's application stating that claimant's impairments did not meet duration.
3. On August 30, 2010, the department caseworker sent claimant notice that her application was denied.

4. On September 7, 2010, claimant filed a request for hearing to contest the department's negative action.
5. On September 17, 2010, the State Hearing Review Team (SHRT) again denied claimant's application stating in its analysis and recommendation: The claimant reported a history of arthritis, fibromyalgia, bursitis and sciatica. The recent records show her motor strength is strong and her neurological findings are unremarkable. She was diagnosed with left breast cancer and underwent partial mastectomy, radiation and chemotherapy. There was no evidence of reoccurrence or spread. 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 at least light work. The claimant's past work was as a teacher. Therefore, the claimant retains the capacity to perform her past relevant work. 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.
6. On the date of hearing, claimant was a 60-year old woman whose birth date is [REDACTED]. Claimant was 5'4" tall and weighted 197 pounds. Claimant completed the 12th grade and has a Master of Arts Teaching Degree. Claimant was able to read and write and does have basic math skills.
7. Claimant last worked in June 2009 as a teacher. Claimant has not worked as a teacher or substitute teacher for more than 13 years.
8. Claimant alleged as disabling impairments: rheumatoid arthritis, sciatica, breast cancer, hypertension, osteoarthritis, bursitis and only one kidney is functioning.
9. On March 31, 2011, this Administrative Law Judge received an SOLQ from the Social Security Administration (SSA) which indicates that claimant received a Fully Favorable Decision on January 18, 2011 for RSDI with a disability onset date of June 21, 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 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 Social Security Administration (SSA) 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 retroactive Medical Assistance Program as of the June 12, 2010 Medical Assistance and retroactive Medical Assistance application and meets the definition of medically disabled for State Disability Assistance as of the July 12, 2010 application.

Accordingly, the department's decision is REVERSED. The department is ORDERED to initiate a review of the July 12, 2010 Medical Assistance, retroactive Medical Assistance and State Disability Assistance application if it has not already done so to determine all other non-medical eligibility criteria are met. The department shall inform the claimant of the determination in writing.

/s/

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

Date Signed: April 5, 2011

Date Mailed: April 5, 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/db

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