

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

IN THE MATTER OF:



Reg. No: 201055125

Issue No: 2009/4031



Hearing Date

November 9, 2010

Calhoun 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 November 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 entire record.

**ISSUE**

Whether claimant meets the disability criteria 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 26, 2010, claimant filed an application for Medical Assistance and State Disability Assistance benefits alleging disability.
2. On August 26, 2010, the Medical Review Team (MRT) denied claimant's application stating that claimant could perform prior work
3. On August 30, 2010, the department caseworker sent claimant notice that his application was denied.
4. On September 13, 2010, claimant filed a request for a hearing to contest the department's negative action.

5. On October 4, 2010, the State Hearing Review Team (SHRT) again denied claimant's application stating in its analysis and recommended decision: The objective medical evidence present does not establish a disability at the listing or equivalence level. The collective medical evidence shows that the claimant is capable of performing past work as a janitor. 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 past work as a janitor. Therefore, based on the claimant's vocational profile (claimant approaching advanced age, 12<sup>th</sup> grade education, and unskilled work history); MA-P is denied using Vocational Rule 203.26 as a guide. Retroactive MA-P was considered in this case and is also denied. SDA is denied per PEM 261 because the nature and severity of the claimant's impairments would not preclude work activity at the above stated level for 90 days.
6. On the date of hearing, claimant was a 55-year-old man whose birth date is [REDACTED]. Claimant was 5'7" tall and weighed 185 pounds. Claimant completed the 12<sup>th</sup> grade and is able to read, write and does have basic math skills.
7. Claimant last worked November 2007 as a janitor.
8. On March 31, 2011, this Administrative Law Judge received an SOLQ from the Social Security Administration (SSA) which indicates that claimant does receive RSDI income of \$1,233 per month and had a disability onset date of November 2, 2010.
9. Claimant alleges as disabling impairments: Hepatitis C and depression.

### **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 determination 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 and State Disability Assistance programs as of the November 2, 2010 disability onset date.

Accordingly, the department is ORDERED to initiate a review of the April 26, 2010 Medical Assistance and State Disability Assistance 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. This Administrative Law Judge is bound by the Social Security Administration determination that the disability onset date was November 2, 2010.

/s/  
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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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