

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

IN THE MATTER OF:



Reg. No: 2010-7383
Issue No: 2009; 4031
Case No: [REDACTED]
Hearing Date:
January 7, 2010
Kent 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 January 7, 2010. Claimant personally appeared and testified.

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 July 14, 2009, claimant filed an application for Medical Assistance and State Disability Assistance benefits alleging disability.
- (2) On August 31, 2009, the Medical Review Team denied claimant's application stating that claimant could perform other work.
- (3) On September 8, 2009, the department caseworker sent claimant notice that his application was denied.
- (4) On September 24, 2009, claimant filed a request for a hearing to contest the department's negative action.
- (5) On November 25, 2009, the State Hearing Review Team again denied claimant's application stating that it had insufficient evidence and requested additional information in the form of a complete consultative examination by an internist and eye examination.

- (6) The hearing was held on January 7, 2010. At the hearing, claimant waived the time periods and requested to submit additional medical information.
- (7) On March 22, 2011, this Administrative Law Judge received an SOLQ from the Social Security Administration which indicates that claimant was in payment status and receiving RSDI income with a disability onset date of August 31, 2007.
- (8) On the date of hearing claimant was a 49-year-old man whose birth date is [REDACTED]. Claimant is 5'1" tall and weighs 117 pounds. Claimant is a high school graduate. Claimant is able to read and write and does have basic math skills.
- (9) Claimant last worked as a janitor for approximately 13 years before he got sick in 2007.
- (10) Claimant alleges as disabling impairments: topical conjunctivitis, psoriasis, asthma, dermatitis, allergies.

CONCLUSIONS OF LAW

The regulations governing the hearing and a 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 this 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 the State Disability Assistance program as of the July 14, 2009, application date.

Accordingly, the department's decision is REVERSED. The department is ORDERED to initiate a review of the July 14, 2009, 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 a determination in writing. The department is also ORDERED to conduct a medical review in March 2012 to determine if claimant is still eligible for RSDI and also to determine claimant's continued eligibility for Medical Assistance and/or State Disability Assistance benefits.

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.

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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

cc:

