

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

IN THE MATTER OF:



Reg. No: 2010-9605
Issue No: 2009, 4031
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
January 19, 2010
Bay 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 19, 2010. Claimant personally appeared and testified.

ISSUE

Whether the 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 May 15, 2009, claimant filed an application for Medical Assistance and State Disability Assistance benefits alleging disability.
- (2) On September 1, 2009, the Medical Review Team denied claimant's application.
- (3) On September 3, 2009, the department caseworker sent claimant notice that her application was denied.
- (4) On September 18, 2009, claimant filed a request for a hearing to contest the department's negative action.
- (5) On December 17, 2009, the State Hearing Review Team denied claimant's application stating that it needed additional information in the form of a licensed physician examination.

- (6) The hearing was held on January 19, 2010. At the hearing, claimant waived the time periods and requested to submit additional medical information.
- (7) Additional medical information was submitted and sent to the State Hearing Review Team on February 24, 2010 and January 7, 2011.
- (8) On January 25, 2011, the State Hearing Review Team approved claimant for Medical Assistance, retroactive Medical Assistance and State Disability Assistance benefits, state in its' recommendation: the Social Security ALJ approved this claimant for benefits in June 2010 with an onset in 2004. It is not known whether the claimant has been put into payment status or not. However, it is anticipated that he will be placed into payment status. Therefore, MA-P/retro MA-P was approved effective February 2009. State Disability Assistance is approved per PEM 261. At the medical review in January 2010, please check to see if the claimant is in current payment status or not.
- (9) Claimant is a 55-year-old woman whose birth date is [REDACTED]. Claimant is 5'7" tall and weighs 230 pounds. Claimant is a high school graduate and was a paramedic and also worked as a clerical worker.
- (10) Claimant alleges as disabling impairments: heart disease, depression, back fracture and a bad back as well as asthma and spinal stenosis.

CONCLUSIONS OF LAW

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 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 review of all other non-medical criteria to determine if claimant is eligible to receive benefits for both Medical Assistance and State Disability Assistance benefits.

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 February 2009 as claimant's disability onset date was determined to be 2004. Claimant also meets the definition of medically disabled under the State Disability Assistance program as of the May 15, 2009, application date.

Accordingly, the department's decision is REVERSED. The department is ORDERED to initiate a review of the May 15, 2009, 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. If claimant is approved for SSI, the department is ORDERED to open an on-going Medical Assistance case for the claimant effective the month of SSI entitlement. At medical review in January 2012, the department is ORDERED to check to see if the claimant is in current payment status or not. If the claimant is in current payment status at the medical review no further action will be necessary. However, if the claimant is not in current payment status at medical review the department is to assist claimant in obtaining updated application forms and DHS-49 forms and obtain updated medical records.

Landis

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

Date Signed: February 7, 2011

Date Mailed: February 7, 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:

