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

IN THE MATTER OF:



Reg. No: 2011-3208 Issue No: 2009; 4031

Case No: Load No:

Hearing Date: January 11, 2011

Genesee County DHS (2)

ADMINISTRATIVE LAW JUDGE: Landis Y. Lain

HEARING DECISION

This matter is before the undersigned Admini strative 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 January 11, 2011. Claimant personally appear ed and testified. Claimant was represented at the hearing by

<u>ISSUE</u>

Whether claimant meets the disability c riteria for Medi cal A ssistance, retroactive Medical Assistance and State Disability Assistance?

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 22, 2010, claimant filed an application for Medical Assistance and State Disability Assistance benefits alleging disability.
- (2) On Augus t 4, 2010, the Medical Review Team denied c laimant's application stating that claimant's impairments were non-severe.
- (3) On August 11, 2010, the department ca seworker sent claimant notice that his application was denied.
- (4) On October 6, 2010, claimant filed a request for a hearing to contest the department's negative action.

- (5) On November 6, 2010. the State Hearing Re view Team again denied claimant's application stating that in its' analysis and recommendation: the objective medical ev idence supports the at the claimant would retain the ability to light exertional tasks. In spite of the psychiatric evaluations, there is no allegation of psychiatric condition and there is no evidence of any limitations. The claimant reta ins the physical residual functional capacity to perform light exertional wo rk. The claimant's past work was light unskilled and lig ht semi-skilled in nature. Therefor e, the claimant retains the capacity to perform their past relevant work (cashier and inspector). 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. Listings 1.02, 1.03, 1.04, 4.04, 9.08, 11.14, and 12.02 were considered in this determination.
- (6) On January 7, 2011, the State Hearing Review Team approved claimant for RSDI with a disability onset date of March 6, 2009.

CONCLUSIONS OF LAW

The State Disability A ssistance (SDA) program which provides financial assistance for disabled persons is established by 2004 PA 344. The Department of Human Services (DHS or department) admin isters the SDA program pursuant to MCL 400.10, et seq., and MAC R 400.3151-400.3180. Department polic ies are found in the Bridges Administrative Manual (BAM), the Bridges Elig ibility Manual (BEM) and the Program Reference Manual (PRM).

The Medical Assistance (MA) program is estab lished by Title XIX of the Social Sec urity Act and is implemented by Title 42 of the C ode 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 necess ary for the Administrative Law J udge to discuss the i ssue 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 conclusion sof law, decides that the claimant meets the definition of medically disabled under the Medical Assistance, State Disability Assistance and retroactive Medical Assistance benefit program as of the April 22, 2010, application date and for retroactive Medical Assistance benefits, if claimant did apply, for the months of January, February and March 2010.

Accordingly, the department's decision is REVERSED. The depar tment is ORDERED to initiate a review of the April 22, 2010, Medical As sistance applic ation 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 als o ORDERED to conduct a medial rev iew of claimant's case in January 2012, at which time claimants hould be required to provide updated medical information and information as to whether or not he still remains eligible for RSDI.

Landis

Y. Lain

Administrative Law Judge
for Duane Berger, Director
Department of Human Services

Date Signed:

January 18, 2010

NOTICE: Administrative Hearings may or der 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 Hear ings will not orde rarehearing 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 ti mely request for rehearing was made, within 30 days of the receipt date of the rehearing decision.

LYL/alc



Date Mailed: January 19, 2010