

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

IN THE MATTER OF:



Reg. No: 2011-35624

Issue No: 2009/4031



Hearing Date

September 1, 2011

Tuscola 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 September 1, 2011. 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 January 25, 2011, claimant filed an application for Medical Assistance, Retroactive Medical Assistance and State Disability Assistance benefits alleging disability.
- (2) On May 12, 2011, the Medical Review Team denied claimant's application stating that claimant could perform other work pursuant to Medical Vocational Rule 202.15.
- (3) On May 18, 2011, the department caseworker sent claimant notice that her application was denied.
- (4) On May 25, 2011, claimant filed a request for a hearing to contest the department's negative action.
- (5) On June 27, 2011, the State Hearing Review Team 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. A collective medical evidence shows that the claimant is capable of light work. The medical evidence of record indicates that the claimant retains the capacity to perform a wide range of light work. Therefore, based on the claimant's vocational profile of claimant approaching advanced age, a 12th grade education and light work history, MA-P is denied using Vocational Rule 202.13 as a guide. Retro-MA-P was considered in this case and is also denied. SDA is denied per PEM261 because the nature and severity of the claimant's impairments would not preclude work activity at the above stated level for 90 days.

- (6) The hearing was held on September 1, 2011. At the hearing claimant waived the time period and requested to submit additional medical information.
- (7) Additional medical information was submitted and sent to the State Hearing Review Team on September 2, 2011.
- (8) On November 30, 2011, the State Hearing Review Team approved claimant for Medical Assistance, Retroactive Medical Assistance and State Disability Assistance benefits stating in its recommended decision that claimant was approved for Social Security benefits on November 8, 2011. Therefore, MAP and Retro-MA-P are approved effective October 1, 2010. At the medical review of December 2012 request medical records from the last 6 months.
- (9) On November 8, 2011, claimant received notice of Fully Favorable Decision from the Social Security Administration with a Disability Onset date of March 31, 2010. The Social Security Administration determination indicated that claimant was disabled for purposes of Supplemental Security income.

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 it is not necessary for the Administrative Law Judge to discuss the issue of disability. PEM, Item 260. The department is required to initiate a determination of claimant's financial eligibility before 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 January 25, 2011 application. Claimant also meets the definition of medically disabled for purposes or Retroactive Medical Assistance for the months of October, November and December, of 2010.

Accordingly, the department's decision is REVERSED. The department is ORDERED to initiate a review of the January 25, 2011, State Disability Assistance application if it has not already done so to determine the follow-up of non-medical eligibility criteria are met. The department shall inform the claimant of the determination in writing. The department is also ORDERED to open an ongoing medical assistance case for the claimant effective the month of SSI entitlement.

/s/

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

Date Signed: 12/7/11

Date Mailed: 12/7/11

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/ds

■ [REDACTED]