

**STATE OF MICHIGAN
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES**

IN THE MATTER OF:



Reg. No.: 2011-26578
Issue Nos.: 2009, 4031
Case No.: [REDACTED]
Hearing Date: July 7, 2011
DHS County: Wayne (82-15)

ADMINISTRATIVE LAW JUDGE: Jonathan W. Owens

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 in Detroit, MI, on July 7, 2011. Claimant appeared and testified.

ISSUE

Whether the Department of Human Services (DHS or Department) properly determined that Claimant is not "disabled" for purposes of the Medical Assistance (MA-P) and State Disability Assistance (SDA) programs?

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 June 18, 2009, Claimant applied for MA-P, SDA and retro MA-P.
2. On June 15, 2010, the Medical Review Team denied Claimant's request.
3. On June 29, 2010, Claimant submitted to the Department a request for hearing.
4. The State Hearing and Review Team (SHRT) denied Claimant's request.
5. Claimant is 53 years old.
6. Claimant completed education through high school and two years of college.

7. Claimant has employment experience (last worked 2007) as a juvenile corrections officer, assistant working with deceased at funeral home and construction rehabbing homes and commercial buildings.
8. Claimant suffers from depression, neck, back, arm and shoulder pain and carpal tunnel syndrome.
9. Claimant's limitations have lasted for 12 months or more.
10. Claimant has significant limitations on physical activities involving sitting, standing, walking, bending, lifting, and stooping.
11. Claimant has significant limitations on understanding, carrying out, and remembering simple instructions; use of judgment; responding appropriately to supervision, co-workers and usual work situations; and dealing with changes in a routine work setting.
12. On July 1, 2011 the Social Security Administration determined the Claimant met the disability requirements as of November 1, 2007.

CONCLUSIONS OF LAW

MA-P 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 administers MA-P 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 (RFT).

The SDA program, which provides financial assistance for disabled persons, is established by 2004 PA 344. The Department administers the SDA program pursuant to MCL 400.10 *et seq.* and MAC R 400.3151-400.3180. Department policies are found in BAM, BEM and RFT.

Because of the Social Security Administration determination, it is not necessary for the Administrative Law Judge to discuss the issue of disability per BEM, Item 260.


The Department is required to initiate a determination of Claimant's financial eligibility for the requested benefits, if not previously done, beginning June 2009.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that Claimant is medically disabled under the MA and SDA programs as of June 2009.

Accordingly, the Department is hereby ORDERED to:

1. Open an ongoing MA case for Claimant effective June 2009.
2. Department shall make a determination if Claimant is eligible for SDA based upon the Social Security approval.



Jonathan W. Owens
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: July 12, 2011

Date Mailed: July 12, 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.

JWO/pf

cc:

