

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

IN THE MATTER OF:

[REDACTED]

Reg No: 2011-29168
Issue No: 2009, 4031

[REDACTED]

Wayne County DHS-43

ADMINISTRATIVE LAW JUDGE: Aaron McClintic

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon the Claimant's request for a hearing. After due notice, a telephone hearing was held on June 27, 2011. The Claimant appeared and testified. [REDACTED] appeared on behalf of the Department.

ISSUE

Was the Department correct in denying Claimant's MA-P and SDA applications?

FINDINGS OF FACT

The Administrative Law Judge, based upon the competent, material and substantial evidence on the whole record, finds as material fact:

1. Claimant applied for MA-P and SDA on December 13, 2010.
2. The Medical Review Team denied the application on March 15, 2010.
3. Claimant filed a request for hearing on April 1, 2011 regarding the MA and SDA denials.
4. A hearing was held on July 27, 2011.
5. On May 5, 2011 the State Hearing Review Team denied the application because the Claimant retains the capacity to perform a wide range of unskilled work
6. Claimant is 5'5" tall and weighs 165 pounds.
7. Claimant is [REDACTED] of age.

8. Claimant's impairments have been medically diagnosed as coronary artery disease, hyperlipidemia, osteoarthritis, GERD, bipolar, and hypertension.
9. Claimant has the following symptoms: pain, insomnia and fatigue.
10. Claimant completed the 4th grade.
11. Claimant is not able to read, write, and perform basic math skills.
12. Claimant is not currently working.
13. Claimant last worked in April 2010.
14. Claimant lives with friends.
15. Claimant testified that he cannot perform some household chores.
16. The Claimant's limitations have lasted for 12 months or more.
17. New medical evidence was gathered and it was forward to the State Hearing Review Team on June 21, 2011.
18. The State Hearing Review Team approved Claimant for MA-P and SDA on July 20, 2011 based on vocational rule 202.09. Retro MA was approved effective November 2010 and SDA was approved in accordance with BEM 261.

CONCLUSIONS OF LAW

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 Bridges Reference Manual (BRM).

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).

Department policy at BEM 260 states that if a claimant has been found eligible for either MA or SDA based upon a finding of disability by the State Hearing Review Team, the person meets the Department's MA disability criteria. No other evidence is required to establish disability. In the present case, the claimant was found by the State Hearing Review Team to be eligible for MA and SDA benefits based upon disability on July 20,

2011, and has presented prima facie evidence of the same. This disability was found by the State Hearing Review Team to have an onset date of November 2010. Therefore, the Administrative Law Judge finds that the Claimant met the Department's definition of disabled for the purposes of MA-P and SDA.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Claimant is medically disabled for the purposes of the MA and SDA programs, pending a review of all non-medical eligibility factors.

Accordingly, the Department's decision in the above stated matter is, hereby, REVERSED.

The Department is ORDERED to process Claimant's Medicaid, Retro-Medicaid and SDA applications of December 13, 2010, and initiate a review of all non-medical eligibility factors, if it has not already done so.

The Department is further ORDERED to initiate a full review of this case in July 2012.



Aaron McClintic
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: 7/26/11

Date Mailed: 7/26/11

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 60 days of the filing of the original request.

The Claimant may appeal the Decision and Order to Circuit Court within 30 days of the receipt 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.

■ [REDACTED]