

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

IN THE MATTER OF:

[REDACTED]

Reg No: 2011-30284

Issue No: 2009,4031

[REDACTED]

Saginaw County DHS-73

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, an in person hearing was held on July 19, 2011. The Claimant appeared and testified along with her authorized hearings representative [REDACTED] through [REDACTED]. [REDACTED] appeared on behalf of the Department.

ISSUE

Was the Department correct in denying Claimant's MA 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 September 3, 2010.
2. The Medical Review Team denied the application on November 29, 2010.
3. Claimant filed a request for hearing on February 17, 2011 regarding the MA and SDA denials.
4. A hearing was held on July 19, 2011.
5. On May 16, 2011 the State Hearing Review Team denied the application because the Claimant's retains the capacity to perform wide range of light work.
6. The record was left open to gather updated medical records.
7. Claimant is 5'9" tall and weighs 169 pounds.
8. Claimant is 49 years of age.

9. Claimant's impairments have been medically diagnosed as COPD, hepatitis, left leg pain and depression.
10. Claimant has the following symptoms: shortness of breath, dizziness, light headedness, insomnia, panic attacks, and joint pain and swelling.
11. Claimant completed high school and some college.
12. Claimant is able to read, write, and perform basic math skills.
13. Claimant is not currently working.
14. Claimant last worked doing construction.
15. Claimant lives with his sister.
16. Claimant testified that he cannot perform household chores.
17. The Claimant's limitations have lasted for 12 months or more.
18. Claimant was found to be disabled by the Social Security Administration as of September 2009 pursuant to a notice of award dated July 19, 2011.

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 SSI or RSDI based upon a finding of disability, 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 Social Security Administration to be eligible for RSDI benefits based upon disability, and has presented prima facie evidence of the same. This disability was found by the Social Security Administration to have an onset date of February 27, 2007, prior to Claimant requesting MA-P and SDA. 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 and SDA applications of September 3, 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 Corrigan, Director
Department of Human Services

Date Signed: 8/2/11

Date Mailed: 8/2/11

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.

AM/ds

