

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

IN THE MATTER OF:



Reg. No: 2011-3097  
Issue No: 2009; 4031  
Case No: [REDACTED]  
Load No: [REDACTED]  
Hearing Date:  
January 5, 2011  
Kent 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 January 5, 2011. Claimant personally appeared and testified.

**ISSUE**

Whether claimant meets the disability criteria 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 July 29, 2010, claimant filed an application for Medical Assistance and State Disability Assistance benefits alleging disability.
- (2) On August 20, 2010, the Medical Review Team denied claimant's application stating that claimant could perform other work pursuant to Medical Vocational Rule 202.17.
- (3) On August 30, 2010, the department caseworker sent claimant notice that his application was denied.
- (4) On October 13, 2010, claimant filed a request for a hearing to contest the department's negative action.
- (5) On November 3, 2010, the State Hearing Review Team again denied claimant's application stating in its' analysis and recommendation: the claimant is morbidly obese. He has some limitation of motion of the knee

and spine. Patellar and Achilles reflexes were absent bilaterally. His gait was antalgic. There was no evidence of muscle atrophy. He was depressed but was logical and organized. The claimant's impairments do not meet/equal the intent or severity of a Social Security listing. The medical evidence of record indicates that the claimant retains the capacity to perform a wide range of simple unskilled sedentary work. In lieu of detailed work history the claimant will be returned to other work. Therefore, based on the claimant's vocational profile of a younger individual, limited education and a history of unskilled work, MA-P is denied using Vocational Rule 201.24 as a guide. Retroactive MA-P was considered in this case and is also denied. SDA is denied per PEM 261 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 January 5, 2011. At the hearing, claimant waived the time periods and requested to submit additional medical information.
- (7) Additional medical information was submitted and sent to the State Hearing Review Team on January 5, 2011.
- (8) On January 27, 2011, the State Hearing Review Team approved claimant for Medical Assistance, retroactive Medical Assistance and State Disability Assistance benefits stating in its' analysis and recommendation: the objective medical evidence does not support the findings of the MRT or SHRT. Based upon the evidence in the file, the claimant would be unable to perform even sedentary exertional tasks. The claimant's impairments' do not meet/equal the intent or severity of an appropriate Social Security listing. The medical evidence of record indicates that the claimant isn't capable of performing even a sedentary exertional range of work. MA-P is approved using Vocational Rule 201.00(h) as a guide. Retroactive MA-P was considered in this case and is approved effective April 2010. SDA is approved in accordance with PEM 261. This case needs to be reviewed for continuing benefits in January 2010. At review the following needs to be provided: prior medical packet; DHS-49, all hospital and treating source notes and test results. Listings 1.02, 1.03, 1.04, and 11.14 were considered in this determination.
- (9) Claimant is a 37-year-old man whose birth date is [REDACTED]. Claimant is 5'10" tall and weighs 335 pounds. Claimant completed the 11 grade and has no GED. Claimant is able to read and write and does have basic math skills.
- (10) Claimant last worked as an independent contractor truck driver. Claimant has also worked as a chef in a restaurant and doing odd jobs.

- (11) Claimant alleges as disabling impairments: degenerative knee disease, pinched nerves, bulging disc at L4 and L5, arthritis, seizures, and leg swelling.

### **CONCLUSIONS OF LAW**

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).

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 Program Reference Manual (PRM).

Because of the SHRT determination it is not necessary for the Administrative Law Judge to discuss the issue of disability per BAM, Item 600. 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 conclusions of law, decides that the claimant meets the definition of medically disabled under the Medical Assistance and State Disability Assistance benefit program as of the July 29, 2010, application date. If there is a retroactive Medical Assistance application the department should also determine whether or not claimant is eligible for the retroactive Medical Assistance for the months of April, May and June 2010.

Accordingly, the department's decision is REVERSED. The department is ORDERED to initiate a review of the July 29, 2010, Medical Assistance, State Disability Assistance, and retroactive Medical Assistance application 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 ORDERED to conduct a medical review in January 2012. At review the following needs to be provided: prior medical packet; DHS-49, B, D, E, F, G; all hospital and treating source notes and test results; all consultative examinations, including those purchased by the Social Security Administration/Disability Determination Service.

