

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

IN THE MATTER OF:



Reg. No: 2011-3106
Issue No: 2009, 4031
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
January 6, 2011
Grand Traverse 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 6, 2011. Claimant personally appeared and testified.

ISSUE

Whether the 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 15, 2010, claimant filed an application for Medical Assistance and State Disability Assistance benefits alleging disability.
- (2) On September 30, 2010, the Medical Review Team denied claimant's application stating that claimant's impairments are non-exertional pursuant to Medical Vocational Rule 204.00.
- (3) On October 4, 2010, the department caseworker sent claimant notice that her application was denied.
- (4) On October 14, 2010, claimant filed a request for a hearing to contest the department's negative action.
- (5) On November 4, 2010, the State Hearing Review Team again denied claimant's application stating in its' analysis and recommend decision: the

objective medical evidence present does not establish a disability at the listing or equivalence level. The collective medical evidence shows that the claimant is capable of performing unskilled work. 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 unskilled work. Therefore, based on the claimant's vocational profile of a younger individual, 10th grade education and unskilled work history MA-P is denied using Vocational Rule 203.28 as a guide. Retroactive MA-P was considered in this case and is also denied. SDA is denied per PEM 261 because the information in the file is inadequate to ascertain whether is or would be disabled for 90 days.

- (6) The hearing was held on January 6, 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 6, 2011.
- (8) On January 26, 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 determination of the MRT or SHRT. There is reasonable evidence that the claimant is unable to perform even simple and repetitive tasks at this time. The medical evidence sufficiently demonstrates that the claimant is incapable of performing even simple and repetitive tasks at this time. MA-P is approved. Retroactive MA-P was considered in this case and is approved effective April 2010. SDA is approved per PEM 261. This case needs to be reviewed for continuing benefits in January 2012.
- (9) Claimant is a 25-year-old woman whose birth date is [REDACTED] Claimant is 5'2" tall and weighs 130 pounds. Claimant is a high school graduate. Claimant is able to read and write and does have basic math skills.
- (10) Claimant last worked a laundry attendant. Claimant has also worked at Quiznos making sandwiches and for a cleaning company.
- (11) Claimant alleges as disabling impairments: problems with her jaw, irritable bowel syndrome, lower back pain, endometriosis, anxiety, depression, ADHD as well as anxiety.

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 Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) 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 this Administrative Law Judge to discuss the issue of disability per BAM, Item 600. The department is required to initiate a determination of the 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 program as of the July 15, 2010, application date. Claimant also meets the definition of medically disabled for retroactive Medical Assistance benefits if there is a retroactive Medical Assistance benefit application to the April 2010 retroactive Medical Assistance date.

Accordingly, the department's decision is REVERSED. The department is ORDERED to initiate a review of the July 15, 2010, Medical Assistance, retroactive Medical Assistance and State Disability 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 the determination in writing.

The department is also ORDERED to initiate a medical review in January 2012. At review the following needs to be provided: prior medical packet; DHS-49, B, D, E, F, and G; all hospital and treating source notes and test results; all consultative examinations, including those purchased by the Social Security Administration/Disability Determination Service.

Landis

/s/

Y. Lain

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

2011-3106/LYL

Date Signed: February 2, 2011

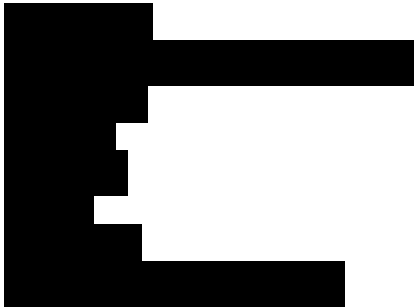
Date Mailed: February 2, 2011

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.

LYL/alc

cc:

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