

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

IN THE MATTER OF:

[REDACTED]

[REDACTED]

St. Clair County DHS-74

ADMINISTRATIVE LAW JUDGE: Aaron McClintic

DECISION AND ORDER

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 August 2, 2011. The Claimant appeared with a witness [REDACTED] and both testified. Claimant's Authorized Hearings Representative [REDACTED] through [REDACTED] also appeared for the Claimant. The Department was represented by [REDACTED].

ISSUE

Did the Department properly deny Claimant's Medical Assistance and State Disability Assistance applications for failing to provide required forms?

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 on January 20, 2011.
2. The Medical Review Team denied the application on February 17, 2011.
3. Claimant filed a request for hearing on April 29, 2011 regarding the MA denial.
4. A hearing was held on August 2, 2011.
5. On May 25, 2011 the State Hearing Review Team denied the application because the Claimant's retains the capacity to perform past work as a waitress.

8. Claimant is 5'7" tall and weighs 201 pounds.
9. Claimant is 49 years of age.
10. Claimant's impairments have been medically diagnosed as shoulder pain, cervical and lumbar degenerative disc disease, hepatitis C, pyelonephritis, hyperkalemia, acute renal failure, neuropathy, migraines, depression, anxiety, myofascial and fibromyalgia pain.
11. Claimant has the following symptoms: shortness of breath, dizziness, light headedness, insomnia, panic attacks, panic attacks, paranoia, suicidal thoughts, pain, fatigue and joint pain and swelling.
12. Claimant completed 10th grade.
13. Claimant is able to read, write, and perform basic math skills.
14. Claimant is not currently working.
15. Claimant last worked as a nurse's aid.
16. Claimant lives alone.
17. Claimant testified that she cannot perform household chores.
18. The Claimant's limitations have lasted for 12 months or more.
19. Claimant was found to be disabled by the Social Security Administration and the State Hearing Review Team as of December 2010 pursuant to a notice of award dated August 18, 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 December 2010, prior to Claimant requesting MA-P. Therefore, the Administrative Law Judge finds that the Claimant met the Department's definition of disabled for the purposes of MA-P.

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 retroactive MA 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 application of January 20, 2011, 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 September 2012.



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

Date Signed: 9/20/11

Date Mailed: 9/20/11

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

■ [REDACTED]