

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

IN THE MATTER OF:

[REDACTED]

Reg. No: 2011-3208
Issue No: 2009; 4031
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
January 11, 2011
Genesee County DHS (2)

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, an in-person hearing was held on January 11, 2011. Claimant personally appeared and testified. Claimant was represented at the hearing by [REDACTED]

ISSUE

Whether claimant meets the disability criteria for Medical Assistance, retroactive Medical Assistance and State Disability Assistance?

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 April 22, 2010, claimant filed an application for Medical Assistance and State Disability Assistance benefits alleging disability.
- (2) On August 4, 2010, the Medical Review Team denied claimant's application stating that claimant's impairments were non-severe.
- (3) On August 11, 2010, the department caseworker sent claimant notice that his application was denied.
- (4) On October 6, 2010, claimant filed a request for a hearing to contest the department's negative action.

- (5) On November 6, 2010, the State Hearing Review Team again denied claimant's application stating that in its' analysis and recommendation: the objective medical evidence supports that the claimant would retain the ability to light exertional tasks. In spite of the psychiatric evaluations, there is no allegation of psychiatric condition and there is no evidence of any limitations. The claimant retains the physical residual functional capacity to perform light exertional work. The claimant's past work was light unskilled and light semi-skilled in nature. Therefore, the claimant retains the capacity to perform their past relevant work (cashier and inspector). MA-P is denied per 20 CFR 416.920(e). Retroactive MA-P was considered in this case and is also denied. SDA is denied per PEM 261 due to the capacity to perform past relevant work. Listings 1.02, 1.03, 1.04, 4.04, 9.08, 11.14, and 12.02 were considered in this determination.
- (6) On January 7, 2011, the State Hearing Review Team approved claimant for RSDI with a disability onset date of March 6, 2009.

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 Social Security Administration determination, it is not necessary for the Administrative Law Judge to discuss the issue of disability. BEM, Item 260; 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, State Disability Assistance and retroactive Medical Assistance benefit program as of the April 22, 2010, application date and for retroactive Medical Assistance benefits, if claimant did apply, for the months of January, February and March 2010.

Accordingly, the department's decision is REVERSED. The department is ORDERED to initiate a review of the April 22, 2010, 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 also ORDERED to conduct a medical review of claimant's case in January 2012, at which time claimants should be required to provide updated medical information and information as to whether or not he still remains eligible for RSDI.

Landis

/s/

Y. Lain
Administrative Law Judge
for Duane Berger, Director
Department of Human Services

Date Signed: January 18, 2010

Date Mailed: January 19, 2010

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:

[REDACTED]