

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

IN THE MATTER OF:

[REDACTED]
[REDACTED]
[REDACTED]

Reg. No: 2011-34136
Issue No: 2009, 4031
Case No: [REDACTED]
Hearing Date: Sept. 21, 2011
Jackson 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, In Person hearing was held on September 21, 2011. Claimant did not appear for the hearing. Claimant was represented at the hearing by [REDACTED].

ISSUE

Did the Department of Human Services (the department) properly deny claimant's application for Medical Assistance (MA-P), retroactive Medical Assistance (retro 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 October 4, 2010, [REDACTED] filed an application on claimant's behalf for Medical Assistance and retroactive Medical Assistance benefits.
- (2) On August 21, 2010, the Medical Review Team denied claimant's application stating that claimant could perform prior work as a welder.
- (3) On November 18, 2010, the department caseworker sent claimant notice that his application was denied.
- (4) On February 15, 2011, [REDACTED] filed a request for a hearing to contest the department's negative action.
- (5) On June 14, 2011, the State Hearing Review Team again denied claimant's application stating in its analysis and recommended 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 past work as a welder. The medical evidence of record indicates that the claimant retains the capacity to perform a wide range of sedentary work. Therefore, based on the claimant's vocational profile of a younger individual, 16 years of education, and medium work history, MA-P is denied using Vocational Rule 203.30 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) On September 21, 2011, the Administrative Law Judge received an SOLQ from the Social Security Administration which indicated that on March 3, 2011, the Social Security Administration granted claimant a fully favorable decision disability onset date of June 2, 2009.
- (7) On the date of hearing claimant was a 48-year-old man whose date of birth is [REDACTED].
- (8) Claimant alleges as disabling impairments: rheumatoid arthritis, shortness of breath, obesity, and left side numbness.

CONCLUSIONS OF LAW

The regulations governing the hearing and appeal process for applicants and recipients of public assistance in Michigan are found in the Michigan Administrative Code, MAC R 400.901-400.951. An opportunity for a hearing shall be granted to an applicant who requests a hearing because his or her claim for assistance has been denied. MAC R 400.903(1). Clients have the right to contest a department decision affecting eligibility or benefit levels whenever it is believed that the decision is incorrect. The department will provide an administrative hearing to review the decision and determine the appropriateness of that decision. BAM 600.

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).

A person eligible for Retirement, Survivor's and Disability Insurance (RSDI) benefits based on disability or blindness criteria. Disability or blindness starts from the RSDI disability onset date established by the Social Security Disability Administration. No other evidence is required. BEM, Item 260, page 1. Because the Social Security Administration's determination, it is not necessary for the Administrative Law Judge to discuss the issue of disability. 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 claimant meets the definition of medically disabled under the Medical Assistance and State Disability Assistance program as of the October 4, 2010 application date, as well as the three-month retroactive Medical Assistance application date.

Accordingly, the department's decision is REVERSED.

The department is ORDERED to initiate a review of the October 4, 2010 Medical Assistance, State Disability Assistance and retroactive Medical Assistance application if it has not already done so to determine if all other nonmedical eligibility criteria are met.

The department shall inform the claimant of its determination in writing. The department shall conduct a review of claimant's eligibility for Medical Assistance, State Disability Assistance in September 2012.



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

Date Signed: September 27, 2011

Date Mailed: September 27, 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/tg

cc:

