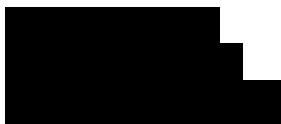


STATE OF MICHIGAN
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:



Reg. No: 2011-38116
Issue No: 2009, 4031
Case No: [REDACTED]
Hearing Date: September 28, 2011
Saginaw 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 September 28, 2011. Claimant personally appeared and testified.

ISSUE

Did the Department of Human Services (the department) properly deny claimant's application 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 May 13, 2010, claimant filed an application for Medical Assistance, retroactive Medical Assistance and State Disability Assistance benefits alleging disability.
- (2) On September 10, 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 September 17, 2010, the department caseworker sent claimant notice that his application was denied.
- (4) On October 1, 2010, claimant filed a request for a hearing to contest the department's negative action.
- (5) On July 9, 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 unskilled medium work. The medical evidence of record indicates that the claimant retains the capacity to perform unskilled medium work. Therefore, based on the claimant's vocational profile of claimant approaching advanced age, 10th grade education and medium work history, MA-P is denied using Vocational Rule 203.18 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 July 7, 2011, the Social Security Administration granted claimant a fully favorable decision for Supplemental Security Income with a disability onset date of October 2009. The Social Security Administration indicates that claimant met all the rules to be eligible for SSI beginning April 20, 2010, and had a disability onset date of October 2009.

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).

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. A person eligible for Retirement, Survivors and Disability Insurance (RSDI) benefits based on his

disability of blindness, meets the disability or blindness criteria. Disability or blindness from the RSDI disability onset date established by the Social Security Administration (SSA) no other evidence is required. BEM, Item 260, p. 1.

In the instant case, the SSA determined that claimant was eligible for Supplemental Security Income from May 2010 through July 2011 and is eligible to receive RSDI from July 2011 forward. Therefore, because of the Social Security Administration determination it is no longer necessary for the Administrative Law Judge to address the issue of disability under the circumstances. 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 based upon the July 7, 2011, decision by the Social Security Administration that filed claimant disabled under the Social Security Rules with an SSI Disability onset date of October 2009 that claimant meets the definition of medically disabled under the Medical Assistance and State Disability Assistance program as of the May 13, 2010, application date.

Accordingly, the department's decision is REVERSED. The department is ORDERED to open an on-going Medical Assistance case for the claimant effective the month of SSI entitlement. The department is also ORDERED to initiate a review of the May 13, 2010, application if it has not already done so to determine if all other non-medical eligibility criteria are met for July 2011 forward when claimant became eligible for RSDI instead of SSI. The department shall inform the claimant of the determination in writing. The department is also ORDERED to conduct a review of claimant's eligibility in September 2012.

Landis

/s/

Y. Lain

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

Date Signed: September 29, 2011

Date Mailed: September 30, 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.

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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:

