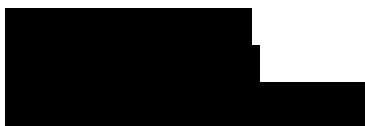


STATE OF MICHIGAN  
MICHIGAN ADMINISTRATIVE HEARING SYSTEM  
ADMINISTRATIVE HEARINGS FOR THE  
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:



Reg. No: 2011466  
Issue No: 2009, 4031  
Case No: [REDACTED]  
Hearing Date: December 2, 2010  
St. Clair 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 December 2, 2010. Claimant personally appeared and testified.

**ISSUE**

The Department of Human Services (department) properly denied 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 July 29, 2010, claimant filed an application for Medical Assistance, State Disability Assistance and Retroactive Medical Assistance benefits alleging disability.
- (2) On September 3, 2010, the Medical Review Team denied claimant's application stating that claimant's impairments lack duration.
- (3) On September 10, 2010, the department caseworker sent claimant notice that his application was denied.
- (4) On September 20, 2010, claimant filed a request for hearing to contest the department's negative action.
- (5) On October 18, 2010, the State Hearing Review Team again denied claimant's application stating that it had insufficient evidence and requesting an internist examination.

- (6) The hearing was held on December 2, 2010. At the hearing claimant waived the time periods and requested to submit additional medical information.
- (7) On January 28, 2011, claimant filed a second application for Medical Assistance and State Disability Assistance benefits alleging disability.
- (8) On February 17, 2011, the Medical Review Team denied claimant's application stating that claimant could perform other work pursuant to Medical Vocational Rule 202.21.
- (9) On January 12, 2011, claimant filed a request for a hearing to contest the department's negative action.
- (10) On April 4, 2011, claimant filed a request for a hearing to contest the department's negative action.
- (11) On May 12, 2011, the State Hearing Review Team approved claimant for Medical Assistance and Retroactive Medical Assistance benefits stating that the medical file was reviewed by SHRT for reconsideration of allowance for medical assistance benefits going back to July of 2010. MA-P and Retro MA-P is approved effective July 1, 2010.
- (12) On the date of hearing claimant was a 43-year-old man whose birthday was [REDACTED]. Claimant was 5'11" tall and weighed 250 pounds. Claimant has an Associate's Degree in Social Work and Counseling and is able to read and write and does have basic math skills.
- (13) The claimant last worked October 16, 2009 at [REDACTED] delivering furniture. Claimant has also worked as a purchasing agent and as an accounting manager at a rent to own and at an instant oil place and as a substitute teacher.
- (14) Claimant alleges disabling impairments: Cardiac disease, myocardial infarction, a side vessel bypass October 22, 2009, atherosclerotic heart disease, chest pain, unstable angina, muscle pain, an occluded artery in the heart which cannot be repaired as well as depression. Expected to be noted for the record that May 18, 2011 Administrative Law Judge Manager Marya A. Nelson-Davis dismissed plaintiff's January 28, 2011 application stating that the State Hearing Review Team has not approved the following programs: Medical Assistance and Retroactive Medical Assistance effective July 1, 2010. Therefore, the request for a hearing is dismissed and the local office of the DHS is hereby ordered to immediately implement the eligibility determination of SHRT including all necessary computer entries.

### **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 Program Administrative Manual (BAM), the Program 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 Program Administrative Manual (BAM), the Program Eligibility Manual (BEM) and the Program Reference Manual (PRM).

Based upon the State Hearing Review Team's determination it is not necessary for this Administration Law Judge to discuss the issue of disability per Bridges Administrative Manual, Item 600. 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 of the Medical Assistance and State Disability Assistance Program as of the July 29, 2010 application date.

Accordingly, the department's decision is REVERSED. The Department is ORDERED to initiate a review of the July 29, 2010 Medical Assistance and State Disability Assistance application if it is 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 ORDERED to conduct a medical review of claimant's continued eligibility for Medical Assistance and State Disability Assistance benefits in July 2012.

/s/

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

Date Signed : July 22, 2011

Date Mailed: July 22, 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/cr

cc:

