

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

IN THE MATTER OF:

Reg. No: 2012-59570
2012-59578
Issue No: 2009; 4031

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 [REDACTED]. Claimant did not appear at the hearing to testify. Claimant was represented at the hearing by his grandmother, [REDACTED] [REDACTED] also appeared and testified.

ISSUE

Whether claimant meets the disability criteria for Medical Assistance (MA) 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 [REDACTED], claimant filed an application for Medical Assistance, State Disability Assistance and Food Assistance Program benefits, along with a retroactive Medical Assistance application for [REDACTED] alleging disability.
2. On [REDACTED], the Medical Review Team denied claimant's application stating that Public Law 104-121 applied and that drug and alcohol abuse was material to claimant's disability.
3. On [REDACTED], the department caseworker sent claimant notice that his application was denied.
4. On [REDACTED], claimant filed a request for a hearing to contest the department's negative action. There is a second hearing request received

by the department on [REDACTED] on the same case. Both register numbers, [REDACTED] will be consolidated herein as the same issues will be addressed.

5. On [REDACTED] the State Hearing Review Team again denied claimant's application stating in its analysis and recommendation: The claimant has a long history of mental health impairments including depression, anxiety, ADHD and substance dependence. However, the evidence documents periods of stability and adequate functioning when the claimant is compliant with medication and treatment. His conditions are exacerbated by substance use, but drug and alcohol abuse are not material to the determination. Claimant retains the capacity to perform unskilled work. Claimant is not engaging in substantial gainful activity at this time. Claimant's severe impairments do not meet or equal any listing. Despite the impairments, claimant retains the capacity to perform unskilled work. Claimant's past relevant work was an unskilled job. Therefore, he is able to perform his past work.

Therefore, MA-P, retroactive MA-P and SDA benefits are denied at step four of the sequential evaluation; claimant retains the capacity to perform past work.

6. The hearing was held on [REDACTED]. At the hearing, claimant waived the time periods and requested to submit additional medical information.
7. Additional medical information was submitted and sent to the State Hearing Review Team on [REDACTED].
8. On [REDACTED] the State Hearing Review Team approved claimant for MA-P, retroactive MA-P and SDA assistance benefits stating in its recommendation: The Disability Determination Service approved this claimant for benefits in [REDACTED] with an onset of [REDACTED]. At this point, it is not clear whether the claimant has been put into payment status or not, as his claim is being reviewed by DQB. However, it is anticipated that he will be placed into payment status. Therefore, MA-P/Retro MA-P is approved effective [REDACTED] SDA is approved per PEM 261.

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 (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

Because of the SHRT determination, it is not necessary for the Administrative Law Judge to discuss the issue of disability, per BAM, Item 600.

Because of the Social Security Administration determination, it is not necessary for the Administrative Law Judge to discuss the issue of disability. PEM, Item 260.

A person eligible for Retirement, Survivors and Disability Insurance (RSDI) benefits based on his disability or blindness meets the disability or blindness criteria. Disability or blindness starts from the RSDI disability onset date established by the Social Security Administration (SSA). This includes a person whose entire RSDI benefit is being withheld for recoupment. No other evidence is required. BEM, Item 260, page 1

An SOLQ dated [REDACTED], indicates that claimant has been approved for RSDI with a disability onset date of [REDACTED] \$933.00 in RSDI benefits. 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 Program and the State Disability Assistance Program as of the [REDACTED] application date. Also, the retroactive MA-P dates for [REDACTED], [REDACTED]

Accordingly, the department's decision is **REVERSED** and is **ORDERED** to initiate a review of claimant's 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.

A medical review should be scheduled for [REDACTED]. The department should check to see if claimant is in current payment status or not. If the claimant is in current payment status at the medical review no further action will be necessary. However, if the claimant is not in current payment status at the medical review, the department is to obtain updated application forms (DHS49) and obtain updated medical records.

It is ORDERED that the department shall review this case in one year from the date of this Decision and Order.

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

Date [REDACTED]

Date Mailed: [REDACTED]

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 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.

LYL/jk

cc:

[REDACTED]

MAHS