

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

IN THE MATTER OF:

[REDACTED]

Reg. No: 2012-77465
Issue No: 2009;4031
Case No: [REDACTED]
Hearing Date: January 2, 2013
Bay 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 to protest the denial of claimant's application for MA. After due notice, a telephone hearing was held on January 2, 2013. Claimant personally appeared and testified.

ISSUE

Whether claimant meets the disability criteria 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 June 8, 2012, claimant filed an application for Medical Assistance (MA-P), Retroactive Medical Assistance (retro MA-P) and State Disability Assistance (SDA) benefits alleging disability.
2. On August 31, 2012, the Medical Review Team denied claimant's application stating that claimant could perform prior relevant work as a customer service representative.
3. On September 5, 2012, the department caseworker sent claimant notice that his application was denied.
4. On September 17, 2012, claimant filed a request for a hearing to contest the department's negative action.

5. On October 22, 2012, the State Hearing Review Team again denied claimant's application stating in its analysis and recommendation: claimant has a history of seizures. He was involved in a car accident in December, 2011 and fractured his femur. His injuries were expected to heal within 12 months. The projected residual functioning capacity is light work with seizure precautions. Therefore, the impairments did not satisfy the duration requirement for disability. The claimant is not currently engaging in substantial gainful activity based on the information that is available in file. The medical evidence of record indicated that the claimant's condition is improving or is expected to improve within 12 months from the date of onset or from the date of surgery. Therefore, MA-P is denied due to lack of duration under 20 CFR 416.909. Retroactive MA-P was considered in this case and is also denied. SDA is denied per PEM 261, as the impairment would not preclude all work for 90 days.
6. On January 4, 2013, the Social Security Administration approved claimant for Retirement, Survivors, and Disability Insurance (RSDI) benefits stating he was entitled to disability benefits and that he met the medical requirements for disability benefits with a disability onset date of December 17, 2011.

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 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 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 recruitment. No other evidence is required. BEM, Item 260, Page 1.

Claimant may request a rehearing or reconsideration for the following reasons:

- A rehearing **MAY** be granted if there is newly discovered evidence that could affect the outcome of the original hearing decision.
- A reconsideration **MAY** be granted for any of the following reasons:
 - misapplication of manual policy or law in the hearing decision,
 - typographical errors, mathematical error, or other obvious errors in the hearing decision that effect the substantial rights of the claimant:
 - the failure of the ALJ to address other relevant issues in the hearing decision.

Request must be submitted through the local DHS office or directly to MAHS by mail at
Michigan Administrative Hearings
Reconsideration/Rehearing Request
P. O. Box 30639
Lansing, Michigan 48909-07322

LYL/las

cc:

