

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

IN THE MATTER OF:

[REDACTED]

Reg. No: 2012-74986
Issue No: 2009;4031
Case No: [REDACTED]
Hearing Date: December 11, 2012
Sanilac 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 December 11, 2012. Claimant personally appeared and testified.

ISSUE

Whether the 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 July 13, 2012, claimant filed an application for Medical Assistance and Retroactive Medical Assistance benefits alleging disability. On August 22, 2012 claimant filed an application for State Disability Assistance.
2. On August 20, 2012, the Medical Review Team denied claimant's application stating that claimant had an SSI denial.
3. On August 1, 2012, the department caseworker sent claimant notice that his application was denied.
4. On August 31, 2012, claimant filed a request for a hearing to contest the department's negative action.
5. On October 18, 2012, the State Hearing Review Team again denied claimant's application stating in its analysis and recommendation: the claimant has a history of major depression and anxiety. His mental status improved in April, 2012 with adjustments in his medications. In

June, 2012, his speech was normal in rate and quality. His affect was appropriate and mood was euthymic. Thought processes were goal-directed and logical. Thought content was normal. The claimant is not currently engaging in substantial gainful activity based on the information that is available in file. The claimant's impairments do not meet/equal the intent or severity of a Social Security listing. The medical evidence of record indicates that the claimant retains the capacity to perform a wide range of simple, unskilled work. A finding about the capacity for prior work has not been made. However, this information is not material because all potentially applicable medical vocational guidelines would direct a finding of not disabled given the claimant's age, education and residual functional capacity. Therefore, based on the claimant's vocational profile (closely approaching advanced age at 53, high school equivalent education and history of unskilled/semi-skilled work), MA-P is denied using Vocational Rule 204.00 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. The hearing was held on December 11, 2012. 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 December 11, 2012.
8. On February 6, 2013, the State Hearing Review Team approved claimant stating in its analysis and recommendation: the medical evidence of record does not indicate the presence of significant medical improvement. The evidence indicates a chronic condition of depression with history of alcohol dependence in sustained remission. While there has been some better control of symptoms recently, this evidence does not indicate that sustained improvement has been achieved. Drug and alcohol abuse is not present. MA-P and SDA benefits continue (20CFR416.994, BEM 261) as per: the claimant is not currently engaging in substantial gainful activity based on the information that is available in file. The medical evidence sufficiently demonstrates that the intent and severity of listing 12.04.A&B is met. Continuing MA-P is approved. Continuing SDA is approved per BEM 261. Retroactive MA-P was not considered as part of this continuing MA-P and SDA only review.

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

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the claimant continues to meet the definition of medically disabled under the Medical Assistance Program and the State Disability Assistance Program as of the July 13, 2012 application date.

Accordingly, the department is **ORDERED** to initiate a review of the 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 March, 2014. 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.

Landis

/s/

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

Date Signed: February 13, 2013

Date Mailed: February 13, 2013

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.

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