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

IN THE MATTER OF:

Reg. No: Issue No:

2009;4031

2013-22304

Hearing Date:

April 17, 2013

Allegan 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 fo r a hearing to protest the denial of claimant's application for MA. After due notice, a telepho ne hearing was held on April 17, 2013. Claimant personally appeared and testified.

ISSUE

Whether the claimant meets the disability criteria for Medical As sistance (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 November 30, 2012, claimant filed an application for Medical Assistance and State Disability Assistance benefits alleging disability.
- 2. On January 4, 2013, the Medical Review Team denied claimant's application stating that claimant had medical improvement.
- 3. On January 8, 2013, the department caseworker sent claimant notice that his application was denied.
- 4. On January 17, 2013, claimant filed a request for a hearing to contest the department's negative action.
- On March 14, 2013, the State Hearing Review 5. Team again de nied claimant's application st ating in its ana lysis and recommendation: the medical evidence supports that significant medical improvement has been evidenced. However, the medical evidence of record does addition support that the claimant is reas onably limited to the performance of simple and repetitive tasks. The medical evidence of record indicates that

significant medical improvement has been evidence d (20CFR416.994) and that the following now applies to this claim: the claimant is not currently engaging in subst antial gainful activity based on the information that is av allable in file. The cl aimant's impairments/combination o f impairments does not meet/equal the intent or severity of a Social Security Administration listing. The medic all evidence of record indicates that the claimant retains the capacity to per form simple and repetitive tasks. The claimant has a history of less than gai nful employment. As such, there is no past work for the claimant to perform, nor are there past work skills to transfer to other occupations. Ther efore, based on the claimant's vocational profile (23 years old, a high school e quivalent education and a history of less than gainful em ployment), continuing MA-P is denied, 20CFR416.920(e&g), using Vocationa I Rule 204. 00 as a quide. Continuing SDA is denied per BEM 261 because the nature and severity of the claimant's impaigments would not preclude work activity at the above stated level for 90 days. Retroac tive MA-P was not considered in this continuing MA-P and SDA only review. Listings 12.04/06 were considered in this determination.

- 6. The hearing was held on April 17, 2013.
- 7. According to the Bridges SOLQ report, the Social Security Administration approved claimant for SSI benefits on April 2, 2013 with a disability onset date of June 30, 2011 based upon an application date of September 23, 2011.

CONCLUSIONS OF LAW

The State Disability A ssistance (SDA) program which prov ides financial as sistance for disabled persons is established by 2004 PA 344. The Department of Hum an Services (DHS or department) administers the SDA program pursuant to MCL 400.10, *et seq.*, and MAC R 400.3151-400.3180. D epartment polic ies are found in t he Program Administrative Manual (BAM), the Program Eligibility Manual (BEM) and the Program Reference Manual (PRM).

The Medical Assistance (MA) program is estab lished by Title XI X of the Social Sec urity Act and is implemented by Title 42 of the C ode 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 necess ary for the Administrative Law Judge to discuss the issue of disability. PEM, Item 260.

Ongoing MA eligibility begins the first day of the month of SSI entitlement. BEM, Item 150, page 1.

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 discapility abled under the Medical Assistance Program as of the Social Security Administration disability onset date and month of SSI entitlement. Claimant also meets the definition of medically disabled for State Disability Assistance Program as of the 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.

Accordingly, if it has not all ready done so, the department is **ORDERED** to open an ongoing Medical Assistance case for the claimant effective the month of the Sol entitlement.

A medical review should be scheduled for Apr il, 2014. The department should check to see if claimant is in current payment status or not. If the claimant is in curr ent 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 t he department shall review this case in one year from the date of this Decision and Order.

Landis

Y. Lain

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

Date Signed: April 18, 2013

Date Mailed: April 18, 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 reconsider ation on the Department's motion where the final decisi on cannot be implement ed 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 Decis ion and Order or, if a timely request for r ehearing was made, within 30 days of the receipt date of the rehearing decision.

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

- A rehearing **MAY** be granted if there is newly disc overed evidence that could affect the outcome of the original hearing decision.
- A reconsideration <u>MAY</u> 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

