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

IN THE MATTER OF:

Reg. No: Issue No: Case No: Hearing Date:

June 12, 2013

2009;4031

2013-29716

Berrien 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. Afte r due notice, a telephone h earing was held on June 12, 2013. Claim ant personally appeared and test ified. The department was represented by Assistance Payment Supervisor,

<u>ISSUE</u>

Whether claimant meets the di sability criteria for Medica I 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 October 3, 2012, cl aimant filed an app lication for Medical As sistance and State Disability Assistance benefits alleging disability.
- 2. On November 29, 2012, the Medical Review Te am denied claimant's application stating that claimant's impairments lacked duration.
- 3. On November 29, 2012, the department caseworker sent claimant notice that his application was denied.
- 4. On January 31, 2013, claimant filed a request for a hearing to contest the department's negative action.
- 5. On April 30, 2013, the State Hearing Review Team again denied claimant's application st ating in its ana lysis and recommendation: the medical evidence of record could reas onably support the claimant retaining the capacity to perform light exertional tasks of a simple and repetitive nature. The claimant is not currently engaging in substantial

gainful activity based on the informati on that is available in file. The claimant's impairments/combination of impairments does not meet/equal the intent or severity of a Soc ial Security Administ ration listing. The medical evidence of record indicates that the claimant retains the capacity to perform light exertional tasks of a simp le and repetitive nature. The claimant's past work was: food manager, 290.477-018, 3L; materia handler, 921-683-050, 3M; and, produc t maker, 706-687-010, 2L. Therefore, the claimant retains the capacity to perform their past relevant work as considered in this case and is also denied. SDA is denied per BEM 261 due to the capacity to perform pa st relevant work. Listings 3.03, 5.05/06, 11.02/03 and 12.06/08/09 were considered in this determination.

6. On May 24, 2014, the Social Security Administration issues a fully favorable decision stating that c laimant meets the dis ability requirements for Supplemental Security Income (SSI) with a disability ons et date of June 8, 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.

The department is required to init iate 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 October 3, 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.

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

A medical review should be scheduled for June, 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.

/s/

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

Date Signed: June 24, 2013

Date Mailed: June 25, 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.

2013-29716/LYL

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