

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

**IN THE MATTER OF:**

[REDACTED]

Reg. No: 2013-3552  
Issue No: 2009;4031  
Case No: [REDACTED]  
Hearing Date: January 3, 2013  
Jackson 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, an in person hearing was held on January 3, 2013. Claimant personally appeared and testified. Claimant was represented by [REDACTED]

**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 April 20, 2012, claimant filed an application for Medical Assistance, State Disability Assistance and retroactive Medical Assistance benefits alleging disability.
2. On August 23, 2012, the Medical Review Team denied claimant's application stating that claimant could perform other work pursuant to Medical/Vocation Rule 202.13.
3. On September 5, 2012, the department caseworker sent claimant notice that her application was denied.
4. On September 28, 2012, claimant filed a request for a hearing to contest the department's negative action.

5. On November 14, 2012, the State Hearing Review Team again denied claimant's application stating in its analysis and recommendation: the claimant's blood pressure was not well controlled but she did not have evidence of heart failure on examination. She did have coarse breath sounds and decreased air movements with a few scattered bilateral rhonchi. However, pulmonary function study did not show program severity. Her FEV1 of 2.08 was well above the listing level of 1.25 or less. She did have some tenderness, muscle spasms and limitation of motion due to pain of the lumbar spine. She also had tenderness in the hips. There was no functional limitation (p 36). Her mental status showed she was depressed but thoughts were logical, organized, simple and concrete. Thought content was appropriate with no apparent thought disorder. 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, light 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 202.13 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 January 3, 2013. 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 February 4, 2013.
8. On February 8, 2013, the State Hearing Review Team approved claimant stating in its analysis and recommendation: the claimant's blood pressure was not well controlled but she did not have evidence of heart failure on examination. Her cardiac status is stable. She has a history of COPD with frequent exacerbations despite treatment. She had wheezed and rhonchi on exam during each exacerbation. Pulmonary function study did not show program severity. Claimant also has muscle spasms and decreased range of motion in her back and hips. She ambulates with a limping gait. Despite her conditions, she retains the capacity to perform sedentary work. 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 an appropriate Social Security listing. The medical evidence of record indicates that the claimant retains the capacity to perform unskilled, sedentary work. Based on the claimant's vocational profile, MA-P is approved using Vocational Rule 201.12 as a guide. Retroactive MA-P was considered in this case and is approved effective January, 2012. SDA is approved in accordance with PEM 261.

### **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 meets the definition of medically disabled under the Medical Assistance Program as of January, 2012 based upon the retroactive Medical Assistance application and the State Disability Assistance Program as of the April 20, 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.

