

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

IN THE MATTER OF:

[REDACTED]

Reg. No: 2013-3557
Issue No: 2009;4031
Case No: [REDACTED]
Hearing Date: January 23, 2013
Ottawa-70 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 23, 2013. Claimant personally appeared and testified.

ISSUE

Did the Department of Human Services (the department) properly deny claimant's application 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 20, 2012 claimant filed an application for Medical Assistance, State Disability Assistance and retroactive Medical Assistance benefits alleging disability.
2. On September 21, 2012, the Medical Review Team denied claimant's application stating that claimant could perform other work pursuant to Medical/Vocation Rule 202.05.
3. On September 28, 2012, the department caseworker sent claimant notice that her application was denied.
4. On October 5, 2012, claimant filed a request for a hearing to contest the department's negative action.

5. On October 30, 2012, the State Hearing Review Team again denied claimant's application stating in its analysis and recommendation: the medical evidence of record supports that the claimant would reasonably retain the ability to perform light exertional tasks. The claimant is not currently engaging in substantial gainful activity based on the information that is available in file. The claimant's impairments/combination of impairments does not meet/equal the intent or severity of a Social Security Administration listing. The medical evidence of record indicates that the claimant retains the capacity to perform light exertional tasks. The claimant's past work was as a foster care, 195.107-014, 7L. Therefore, the claimant retains the capacity to perform their past relevant work. MA-P is denied per 20CFR416.920 (e&f). Retroactive MA-P was considered in this case and is also denied. SDA is denied per BEM 261 due to the capacity to perform past relevant work. Listings 1.02, 2.02, 3.03, 4.04, 9.00.B5 and 11.03 were considered in this determination.
6. The hearing was held on January 23, 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 January 23, 2013.
8. On March 1, 2013, the State Hearing Review Team approved claimant stating in its analysis and recommendation: the claimant was admitted in June, 2012 with a myocardial infarction and underwent successful angioplasty and stenting. She was also noted to have a history of left hip arthroplasty. She was admitted in July, 2012 with acute bronchitis. She was admitted a second time in July, 2012 with acute renal insufficiency and heart failure. In September, 2012, she underwent coronary artery bypass grafting X3. 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 light work. The claimant has no relevant past work. Therefore, based on the claimant's vocational profile (advanced age, 14 years of education and no relevant work history), MA-P is approved using Vocational Rule 202.04 as a guide. Retroactive MA-P was considered in this case and is approved effective March, 2012. SDA is approved in accordance with PEM 261. At the medical review, March 2014, please attach this prior medical file, obtain updated application forms and updated medical records.
9. On the date of hearing claimant was a 58-year-old woman whose birth date is [REDACTED]. Claimant is 4'11.5" tall and weighs 138 pounds. Claimant is a high school graduate. Claimant is able to read and write and does have basic math skills.

10. Claimant last work in foster care. Claimant has also worked as a waitress, nurse's aide, in home health care and cleaning hotels.
11. Claimant alleges as disabling impairments: arthritis, cataracts, asthma, coronary artery disease, diabetes mellitus, migraines, myocardial infarction, and renal insufficiency.

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 and the State Disability Assistance Program as of the June 20, 2012 application date. Claimant also meets the definition of medically disabled under the Medical Assistance Program for the retroactive months of March, April and May, 2012 in accordance with the State Hearing Review Team decision.

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: March 7, 2013

Date Mailed: March 7, 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.

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

2013-3557/LYL

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cc:

