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

IN THE MATTER OF:

Reg. No: Issue No: 2013-3979 2009;4031

Hearing Date:

January 31, 2013

Kalamazoo 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 ra hearing to protest the denial of claimant's application for MA. After due notice, a telephone hearing was held on January 31, 2013. Claimant personally appeared and testified.

#### <u>ISSUE</u>

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:

- On August 2, 2012, claimant filed an application for Medical As sistance, Retroactive Medical Assistance and St ate Disability A ssistance benefit s alleging disability.
- On September 20, 2012, the Medical Review Team denied claimant's application stating that claimant c ould perform other work pursuant to Medical Vocational Rule 203.14.
- 3. On September 21, 2012, the department caseworker sent claimant notice that his application was denied.
- 4. On October 3, 2012, claimant filed a request for a hearing to contest the department's negative action.

- 5. On December 4, 2012, the State Hear ing Review Team again denied analysis and rec ommended claimant's application stating that in its decision: there was noted muscle s pasm and tenderness to the lumbar spine. He had negative stra ight leg raising. Motor strength was intact and normal coordination. He had normal gait and station. The MRI of the lumbar spine showed a disc extrusion. As a result of the claimant's severe physical condition, he is restricted to per forming light work. He retains t he capacity to lift up to 50 lbs occ asionally, 25 lbs frequently and stand and walk for up to 6 of 8 hours. Claimant is not engaging in substantial gainful activity at this time. Claimant's severe impairm ents do not meet or equal any listing. Despite the impairments, he retains the capacity to perform medium work.

  Therefore based on the claimant's your cational profile (advance age 12 th Therefore, based on the claimant's vo cational profile (advance age, 12 history); MA-P is denied using grade education, and medium work Vocational Rule 203.14 as a guide. SDA is denied per PEM 261 because the information in file is inadequate to ascertain whether the claimant is or would be disabled for 90 days. Retroacti ve MA-P benefits are denied at step 5 of the sequential evaluation; claimant retains the capacity to perform medium work.
  - 6. The hearing was held on January 31, 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 31, 2013.
  - 8. On March 15, 2013, the State Hearing Review Te am approved claimant stating in its recommendat ion: the claim ant was approved f or Social Security Disability benefits on March 4, 2013 and is currently in payment status. Therefore, MA-P/Retro MA-P is approved effective May, 2012. SDA is approved per PEM 261. No medical review is necessary due to the SSA allowance.

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

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.

A person eligible for retirement, survivors a nd disability insurance (RSDI) benefits based on his dis ability or blindness meets the dis ability or blindness crit eria. Disab ility or blindness starts from the RSDI disability o nset date establish ed by the So cial Security Administration (SSA). This includes a person whose entire RSDI benefit is being with child for recruitment. No other evidence is required. BEM, Item 260, 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 disabled under the Medical Assistance Program as of the May, 2012 disability onset date, and the State Disability Assistance Program as of the August 2, 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 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 4, 2013

Date Mailed: April 5, 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 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 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

