

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

**IN THE MATTER OF:**

[REDACTED]

Reg. No: 2013-8363  
Issue No: 2009;4031  
[REDACTED]  
Hearing Date: March 12, 2013  
Wayne-76 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 March 12, 2013. Claimant personally appeared and testified. Claimant's caretaker, [REDACTED] also appeared and testified on claimant's behalf. The department was represented at the hearing by Eligibility Specialist, [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 September 7, 2012, claimant filed an application for Medical Assistance, Retroactive Medical Assistance and State Disability Assistance benefits alleging disability.
2. On October 12, 2012, the Medical Review Team denied claimant's application stating that claimant could perform other work pursuant to Medical Vocational Rule 202.18.
3. On October 17, 2012, the department caseworker sent claimant notice that his application was denied.
4. On October 26, 2012, claimant filed a request for a hearing to contest the department's negative action.
5. On December 14, 2012, the State Hearing Review Team again denied claimant's application stating in its analysis and recommendation: the

claimant has a history of depressed mood and cocaine dependency. He has no history of psychiatric hospitalizations or frequent decompensation. His speech was spontaneous and goal directed. There was no psychosis. The claimant had a history of a right ankle fracture. He had mild hypertension. In April, 2012, his muscle power was 5/5 throughout. Reflexes were normal. His gait was steady. In September, 2012, he had decreased motion of the neck, back and shoulder. He had muscle spasms in the cervical through lumbar spine. There were no significant neurological deficits noted. 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 (younger individual, high school equivalent education and history of unskilled/semi-skilled work), MA-P is denied using Vocational Rule 202.20 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 March 12, 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 March 18, 2013.
8. On May 28, 2013, the State Hearing Review Team approved claimant for Medical Assistance and State Disability Assistance stating in its analysis and recommendation: claimant fractured his ankle in 2011. He continues to complain of pain, he had swelling of his ankle on exam. His gait is steady despite the pain. The treating source indicates the claimant requires surgery he is unable to obtain due to lack of insurance. Additionally, claimant was assaulted in May, 2012, and reports neck and back pain. On exam, he had spasms and limited range of motion. He has carpal tunnel syndrome with reduced grip, but dexterity is intact. His mental status exam was within normal limits. He retains the capacity to perform sedentary, unskilled 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 a Social Security listing. The medical evidence of record indicates that the claimant retains the capacity to perform a wide range of sedentary, unskilled work. Claimant is unable to perform his past relevant work. Based on the claimant's vocational profile, MA-P benefits are approved effective March, 2013 using vocational rule 201.14 as a guide. Retroactive

MA-P is denied using vocational rule 201.21 as a guide. Claimant was not disabled prior to age 50. SDA is approved in accordance with PEM 261.

9. On May 20, 2013, Administrative Law Judge, Colleen Mamelka, approved claimant for Medical Assistance benefits effective January 17, 2012 with a disability review date of April, 2014. Therefore, the Retroactive Medical Assistance application must be approved because the issue has already been determined by Judge Mamelka and register # 2012-60658.
10. Claimant is a 49 year old man whose date of birth is [REDACTED]. Claimant is 5'6" tall and weighs 183 lbs. Claimant attended the 12<sup>th</sup> grade and does have a GED. Claimant is able to read and write and does have basic math skills.

### 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 September 7, 2012 application date. Claimant also meets the definition of disabled based upon Administrative Law Judge Mamelka's decision that claimant meets the definition of disability from January 17, 2012 forward.

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 April, 2014 to coincide with Judge Mamelka's decision. 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.

/s/

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

Date Signed: June 12, 2013

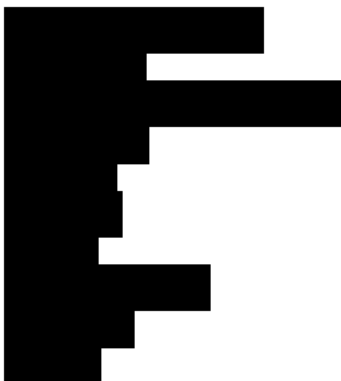
Date Mailed: June 12, 2013

**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.

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