

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

**IN THE MATTER OF:**

[REDACTED]

Reg. No: 20139932  
Issue No: 2009; 4031  
Case No: [REDACTED]  
Hearing Date: February 20, 2013  
Washtenaw County DHS (20)

**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 February 20, 2013. Claimant personally appeared and testified. [REDACTED] from [REDACTED] also appeared and testified on claimant's behalf. The department was represented at the hearing by [REDACTED], an eligibility specialist.

**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 July 31, 2012, claimant filed an application for Medical Assistance and State Disability Assistance benefits alleging disability.
2. On September 26, 2012, the Medical Review Team denied claimant's application stating that claimant's impairments are non-exertional.
3. On October 3, 2012, the department caseworker sent claimant notice that her application was denied.
4. On October 30, 2012, claimant filed a request for a hearing to contest the department's negative action.

5. On January 9, 2013, the State Hearing Review Team again denied claimant's application stating in its analysis and recommendation: drug and alcohol abuse (DAA) is present but the evidence is not sufficient to document that it is material to this determination. The claimant's credibility is in question as they are noted to be providing contradictory information. It is reasonable that the claimant would retain the ability to perform simple and repetitive tasks. The claimant is not currently engaging in substantial gainful activity based on the information that is available in the file. The claimant's impairments/combination of impairments does not meet/equal the intent or severity of a Social Security Administration (SSA) listing. The medical evidence of record indicates that the claimant retains the capacity to perform simple and repetitive tasks. The claimant has a history of less than gainful employment. As such, there is no past work for the claimant to perform, nor are there past work skills to transfer to other occupations. Therefore, based on the claimant's vocational profile (27 years old, a less than high school education and a history of less than gainful employment), MA-P is denied, 20CFR416.920 (e&g), using Vocational Rule 204.00 as a guide. Retroactive MA-P was considered in this determination and is also denied. SDA is denied per BEM 261 because the nature and severity of the claimant's impairments would not preclude work activity at the above stated level for 90 days. Listings 12.03/04/06/08/09 were considered in this determination.
6. The hearing was held on February 20, 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 4, 2013.
8. On May 6, 2013, the State Hearing Review Team approved claimant's application stating in its analysis and recommendation: Adopting the SSA/ALJ Title XVI decision. The claimant was approved for Social Security Disability benefits on March 27, 2013 and is currently in payment status. Therefore MA-P and retroactive MA-P are approved effective April 1, 2012. SDA is approved per BEM 261. No medical review is necessary due to the SSA allowance. This case needs to be reviewed to determine continuing MA-P and SDA benefits in June 2016.
9. On March 27, 2013, the Social Security Administration issued a fully favorable decision and determined that claimant met the disability criteria for purposes of Social Security Disability under 1614(a)(3)(A) of the Social Security Act.

## 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.

Because of the Social Security Administration determination, it is not necessary for the Administrative Law Judge to discuss the issue of disability. PEM, Item 260.

A person eligible for retirement, survivors and disability insurance (RSDI) benefits based on his disability or blindness meets the disability or blindness criteria. Disability or blindness starts from the RSDI disability onset date established by the Social 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 with a disability asset date of July 9, 2007. Claimant also meets the definition of medically disabled under the State Disability Assistance as of the July 13, 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 already done so, the department is **ORDERED** to open an ongoing Medical Assistance case for the claimant effective the month of the SSI entitlement.

A medical review should be scheduled for June 2016. 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/

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

Date Signed: May 14, 2013

Date Mailed: May 15, 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.

LYL/aca

cc:

[REDACTED]