

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2013-5811
Issue No.: 4031
Case No.: [REDACTED]
Hearing Date: March 6, 2013
County: Oakland (63-02)

ADMINISTRATIVE LAW JUDGE: Jonathan W. Owens

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 following Claimant's request for a hearing. After due notice, a telephone hearing was held on March 6, 2013, from Detroit, Michigan. Participants on behalf of Claimant included Claimant and [REDACTED]. Participants on behalf of the Department of Human Services (Department) included [REDACTED].

The record was extended to allow additional relevant medical evidence to be submitted. Claimant waived timeliness. The additional medical evidence was received and submitted to the State Hearing Review Team (SHRT) for review prior to this decision being issued.

ISSUE

Whether the Department properly determined that Claimant is not "disabled" for purposes of the State Disability Assistance (SDA) program?

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 August 27, 2012 the Department initiated a review of Claimant's SDA case.
2. On October 1, 2012, the Medical Review Team denied Claimant's request.
3. On October 15, 2012, Claimant submitted to the Department a request for hearing.

4. SHRT denied Claimant's request.
5. Claimant is 52 years old.
6. Claimant completed education through high school.
7. Claimant has employment experience (last worked 2001) as a truck driver and in landscaping.
8. Claimant's limitations have lasted for 12 months or more.
9. Claimant suffers from back pain, fractured tibia and fibula and disc protrusion.
10. Claimant has significant limitations on physical activities involving sitting, standing, walking, bending, lifting, and stooping.
11. On June 17, 2013 SHRT approved the Claimant for ongoing SDA benefits based upon the newly submitted evidence.

CONCLUSIONS OF LAW

The SDA program, which provides financial assistance for disabled persons, is established by 2004 PA 344. The Department administers the SDA program pursuant to MCL 400.10 *et seq.* and MAC R 400.3151-400.3180. Department policies are found in BAM, BEM and RFT.


Additional medical records were received and submitted to SHRT for review. On June 17, 2013, SHRT found Claimant was disabled. Claimant was found disabled by SHRT based upon Claimant's application dated August 27, 2012, for SDA.

The Department has reversed the previous decision issued on October 1, 2012, and will process the above application based upon the SHRT approval. The Department is required to initiate a determination of Claimant's financial eligibility for the requested benefits, if not previously done, beginning August 2012.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that Claimant is medically disabled under the SDA program as of August 2012.

Accordingly, the Department is hereby ORDERED to open an ongoing SDA case, if otherwise eligible, for Claimant effective August 2012. A review date of December 2013 shall be established in accordance with the SHRT decision.


Jonathan W. Owens
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: August 5, 2013

Date Mailed: August 5, 2013

NOTICE: Michigan Administrative Hearing System (MAHS) 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. MAHS 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. (60 days for FAP cases)

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 affect the substantial rights of the claimant,
 - 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

JWO/pf

cc:

[REDACTED]