

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

IN THE MATTER OF:



Reg. No: 2013-42882
Issue No: 2009; 4031
Case No: [REDACTED]
Hearing Date: September 19, 2013
Genesee County DHS 02

ADMINISTRATIVE LAW JUDGE: Landis Y. Lain

HEARING DECISION

Following Claimant's request for a hearing, this matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and 400.37; 42 CFR 431.200 to 431.250; and 45 CFR 205.10. After due notice, a telephone hearing was held on September 19, 2013, from Lansing, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included [REDACTED], 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 January 28, 2013, Claimant filed an application for Medical Assistance (MA-P) and State Disability Assistance benefits alleging disability.
2. On April 2, 2013, the Medical Review Team denied Claimant's application stating that Claimant's impairments lack duration. The medical review team approved Claimant for State Disability Assistance from January 2013 through July 2013.
3. On April 8, 2013, the Department case worker sent Claimant notice that his application was denied.
4. On April 22, 2013, Claimant filed a request for a hearing to contest the department's negative action.
5. On July 22, 2013, the State Hearing Review Team again denied Claimant's application.

6. On September 19, 2013, the hearing was held. At the hearing, Claimant waived the time periods and requested to submit additional medical information.
7. On September 19, 2013, additional medical information was submitted and sent to the State Hearing Review Team.
8. On November 8, 2013, the State Hearing Review Team approved Claimant stating in its recommendation: Claimant applied for MA-P, retroactive MA-P and SDA benefits. MA-P and retroactive MA-P benefits were initially denied by MRT in April 2013, but SDA benefits were approved through July 2013. Upon review, SDA benefits were continued from July 2013 through October 2013. The evidence does not indicate a second SDA review has been completed by the MRT. The [REDACTED] a history of degenerative arthritis and dysplasia in the left hip, status [REDACTED] in [REDACTED]. The newly submitted evidence notes Claimant should ambulate with a cane and sit intermittently as needed. The evidence does not contain a recent physical exam. The most recent evidence documents limited ambulation six-month post-hip replacement, the need for a cane, and the inability to sustain ambulation. Based on the limited information in the file the Claimant is unable to stand six of eight hours; therefore he is restricted to performing sedentary work. The Claimant is not currently engaging in substantial gainful activity based on the information as available in the file. The Claimant's impairment does not meet/equal the intent or severity of an appropriate Social Security listing. The medical evidence of record indicates that the Claimant retains the capacity to perform a wide range of sedentary work. Claimant is unable to perform his past relevant work. Based on the Claimant's vocational profile, MA-P is approved using vocational rule 201.14 as a guide. Retroactive MA-P was considered in this case and is approved effective December 2012. SDA is approved in accordance with the BEM 261.

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.

The department is required to initiate a determination of Claimant's financial eligibility for the requested benefits, if not previously done.

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 **January 28, 2013** application date. Claimant also meets the definition of medically disabled for purposes of the retroactive Medical Assistance application for the months of December, November and October 2012.

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 November 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 (DHS-49) 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: 11/18/13

Date Mailed: 11/19/13

NOTICE OF APPEAL: 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 or Reconsideration was made, within 30 days of the receipt date of the Decision and Order of Reconsideration or Rehearing Decision.

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).

A Request for Rehearing or Reconsideration may be granted when one of the following exists:

- Newly discovered evidence that existed at the time of the original hearing that could affect the outcome of the original hearing decision;
- Misapplication of manual policy or law in the hearing decision which led to a wrong conclusion;
- Typographical, mathematical or other obvious error in the hearing decision that affects the rights of the client;
- Failure of the ALJ to address in the hearing decision relevant issues raised in the hearing request.

The Department, AHR or the Claimant must specify all reasons for the request. MAHS will not review any response to a request for rehearing/reconsideration. A request must be *received* in MAHS within 30 days of the date the hearing decision is mailed.

The written request must be faxed to (517) 335-6088 and be labeled as follows:

Attention: MAHS Rehearing/Reconsideration Request

If submitted by mail, the written request must be addressed as follows:

Michigan Administrative Hearings
Reconsideration/Rehearing Request
P.O. Box 30639
Lansing, Michigan 48909-07322

LYL/tb

cc:

