

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

**IN THE MATTER OF:**

[REDACTED]

Reg. No: 201321371  
Issue No: 2009; 4031  
Case No: [REDACTED]  
Hearing Date: April 18, 2013  
Genesee County DHS (06)

**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 April 18, 2013. Claimant did not appear. Claimant was represented at the hearing by [REDACTED], a paralegal from [REDACTED]. The department was represented at the hearing [REDACTED], an eligibility specialist.

**ISSUE**

Whether claimant meets the disability criteria for Medical Assistance (MA-P)?

**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 31, 2012, claimant filed an application for Medical Assistance and Retroactive Medical Assistance benefits, as well as State Disability Assistance benefits alleging disability. Claimant's application was a review application.
2. On November 16, 2012, the Medical Review Team denied claimant's application stating that claimant had medical improvement.
3. On December 17, 2012, the department caseworker sent claimant notice that her application was denied.
4. On January 3, 2013, claimant filed a request for a hearing to contest the department's negative action.

5. On February 21, 2013, the State Hearing Review Team again denied claimant's application, stating in its analysis and recommendation: the US District Court denied the claimant's request for Social Security and SSI disability benefits in October 2012. MA-P and SDA benefits would be ceased/denied based on the final and binding Social Security decision. Therefore, this case would be evaluated as an initial claim. The claimant underwent IQ testing in October 2012 and December 2012. In December 2012, her scores were lower than in October 2012, which is opposite of what is normally expected. In December 2012, she was slow and lethargic. It was noted that her speed was slow and her delay in responding negatively impacted her scores. She was not in any special education classes in school. In December 2012, the psychologist indicated that the claimant was functioning in the borderline range of intellect. In October 2012, her IQ scores were verbal 76 and full scale 66. Her treating physician indicated her mood and affect were appropriate. She was obese and had a chronic cough and shortness of breath. Her lungs were clear. Her pulmonary function study did not show program severity. The totality of the information in the file would suggest that the claimant has the ability to do simple, unskilled work. The claimant is not currently engaging in substantial gainful activity (SGA) based on the information that is available in the 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 (RFC). Therefore, based on the claimant's vocational profile (younger individual, 12<sup>th</sup> grade education and unknown work history), MA-P is denied using Vocational Rule 202.20 as a guide. Retroactive MA-P was considered in this case and is also denied.
  
6. On April 26, 2013, the Social Security Administration issued a fully favorable decision for SSI indicating that claimant has been disabled under section 1614 (a)(3)(A) of the Social Security Act since November 26, 2009.

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

Ongoing MA eligibility begins the first day of the month of SSI entitlement. BEM, Item 150, 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 effective the month of SSA entitlement. Claimant meets the definition of medically disabled for the purposes of the State Disability Assistance program effective the August 31, 2012 application for medical review 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 May 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 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: 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

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