

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

IN THE MATTER OF:



Reg. No.: 2014-15643
Issue No(s): 2009; 4009
Case No.: [REDACTED]
Hearing Date: March 26, 2014
County: Midland

ADMINISTRATIVE LAW JUDGE: Carmen G. Fahie

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 Wednesday, March 26, 2014, from Lansing, Michigan. Participants on behalf of Claimant included the Claimant and her authorized representative, [REDACTED], from Disability Network of Mid-Michigan. Participants on behalf of the Department of Human Services (Department) included [REDACTED], ES.

ISSUE

Whether the Department properly determined that Claimant was not disabled for purposes of the Medical Assistance (MA) and/or State Disability Assistance (SDA) benefit programs?

FINDINGS OF FACT

The Administrative Law Judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:

1. On June 24, 2013, the Claimant applied for MA-P and SDA with a retroactive MA-P application to March 2013.
2. On October 20, 2013, the Medical Review Team (MRT) denied the Claimant's application for MA-P and retroactive MA-P stating that the Claimant had a non-exertional impairment and SDA is denied per BEM 261 because the nature and severity of the Claimant's impairment's would not preclude work activity at the above stated level for 90 days.

3. On October 29, 2013, the Department Caseworker sent the Claimant a notice that her application was denied.
4. On November 26, 2013, the Department received a hearing request from the Claimant, contesting the Department's negative action.
5. On January 24, 2014, the State Hearing Review Team (SHRT) considered the submitted objective medical evidence in making its determination of MA-P and retroactive MA-P for the Claimant. The Claimant is 32 years old with 16 years of education and a history of skilled work. She alleges disability due to anxiety and depression. The Claimant is not engaged in substantial gainful activity at this time. The Claimant's severe impairments do not meet or equal any listing. Despite the impairments, she retains the capacity to perform unskilled work. Therefore, based on the Claimant's vocational profile (younger individual, 16 years of education, and medium work history); MA-P is denied using Vocational Rule 204.00 as a guide. SDA is denied per BEM 261. Retroactive MA-P benefits are denied at step five of the sequential evaluation where the Claimant retains the capacity to perform unskilled work.
6. During the hearing on March 26, 2014, the Claimant requested permission to submit additional medical information that needed to be reviewed by SHRT. Additional medical information was received from the Local Office on March 26, 2014 and forwarded to SHRT for review on April 1, 2014.
7. On May 27, 2014, the SHRT considered the newly submitted objective medical evidence in making its determination of MA-P and retroactive MA-P. The Claimant is 32 years old with 16 years of education and a history of skilled work. She alleges disability due to anxiety and depression. The Disability Determination Service (DDS) approved this Claimant for SSI and RSDI benefits in May 2014. Therefore, MA-P/Retro MA-P is approved effective January 2014. SDA is approved per BEM 261. January 2014 is the earliest possible onset date based on the DDS decision. At medical review in May 2015, please check to see if the 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, please obtain updated application forms (DHS-49 forms) and obtain updated medical records.
8. This Administrative Law Judge finds, based on the objective medical evidence in the file, that the Claimant is eligible for MA retroactive to March 2013 and SDA based on her June 24, 2013 application. Department Exhibit 1-59.

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 (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

The Medical Assistance (MA) program is established by the 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 (formerly known as the Family Independence Agency) administers the MA program pursuant to MCL 400.10, *et seq.*, and MCL 400.105. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Program Reference Manual (PRM).

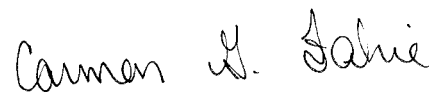
Because of the SHRT decision, it is not necessary for the Administrative Law Judge to discuss the issue of disability. BEM, Item 260; BEM, Item 261.

The Claimant is eligible for MA-P retroactive to March 2013 and SDA based on the Claimant's June 24, 2013 application.

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 retroactive to March 2013 and SDA based on the Claimant's June 26, 2013 application.

Accordingly, if it has not already done so, the Department is ORDERED to open an ongoing MA-P case for the Claimant effective March 2013 and SDA based on the Claimant's June 24, 2013 application pending eligibility determinations.



Carmen G. Fahie
Administrative Law Judge
For Maura D. Corrigan, Director
Department of Human Services

Date Signed: 7/31/14

Date Mailed: 7/31/14

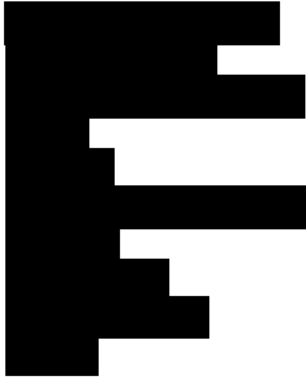
NOTICE: Administrative Hearings may order a rehearing or reconsideration on either its own motion or at the request of a party within 30 days of the mailing date of this Decision and Order. Administrative Hearings will not order a rehearing or

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 mailing 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.

CGF/tb

cc:

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