



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
Christopher Seppanen
Executive Director

SHELLY EDGERTON
DIRECTOR

[REDACTED]
[REDACTED]
[REDACTED]

Date Mailed: July 12, 2016
MAHS Docket No.: 16-006092
Agency No.: [REDACTED]
[REDACTED]

ADMINISTRATIVE LAW JUDGE: Carmen G. Fahie

HEARING DECISION

Following Petitioner'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 June 14, 2016, from Lansing, Michigan. The Petitioner was represented by himself, his mother, [REDACTED], and his ex-wife, [REDACTED]. The Department of Health and Human Services (Department) was represented by [REDACTED], Assistance Payments Worker and [REDACTED], Family Independence Manager.

ISSUE

Whether the Department properly determined that Petitioner was not disabled for purposes of the 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 March 1, 2016, the Petitioner applied for SDA.
2. On April 21, 2016, the Medical Review Team (MRT) denied the Petitioner's application for SDA is denied per BEM 261 because the nature and severity of the Petitioner's impairment's would not preclude work activity at the above stated level for 90 days and is capable of performing other work.
3. On April 25, 2016, the Department Caseworker sent the Petitioner a notice that his application was denied.

4. On May 5, 2016, the Department received a hearing request from the Petitioner, contesting the Department's negative action.
5. On May 9, 2016, the Petitioner received an unfavorable ruling from the Social Security Disability Determination Appeals Council, which is a controlling ruling.
6. The Petitioner is a ■ year-old man whose date of birth is ■. The Petitioner is 5' 9" tall and weighs 228 pounds. The Petitioner completed High School. He was special education in all subjects. The Petitioner can read and write and do basic math. The Petitioner was last employed as a taxidermist at the heavy level in December 2014. He was also employed as a laborer at the heavy level, building maintenance at the medium level, and asbestos remover at the heavy level.
7. The Petitioner's alleged impairments are degenerative disc disease (ddd), spinal stenosis, tremors, bone spur surgery in May 27, 2016, knee surgery on July 2012, and 3 back surgeries of February 2012, September 2014, and May 2015.

CONCLUSIONS OF LAW

Department policies are contained in the Department of Health and Human Services Bridges Administrative Manual (BAM), Department of Health and Human Services Bridges Eligibility Manual (BEM), and Department of Human Services Reference Tables Manual (RFT).

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).

This is a case in which the Disability Determination Service has denied the SSI claim in the past 12 months. Since the allegations are the same, the Social Security Appeals Decision has precedence and is required to be used as the basis for this decision. Therefore, Petitioner's SDA case is denied and no further analysis is required.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides the Department correctly determined that Petitioner is not currently disabled for SDA eligibility purposes. The SS Disability Determination Service has denied the Petitioner's SSI claim in the past 12 months.

