

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

██████████

Claimant

Reg. No: 2006-17146

Issue No: 2009; 4031

Case No: ██████████

Load No: ██████████

Hearing Date:

February 8, 2007

Wayne County DHS

ADMINISTRATIVE LAW JUDGE: Colleen M. Mamelka

HEARING DECISION

The hearing in this matter was conducted by Administrative Law Judge Jacqueline Hall-Keith on Thursday, February 8, 2007 pursuant to MCL 400.9 and MCL 400.37 upon the Claimant's request for a hearing. The Claimant appeared and testified. The Claimant was represented by ██████████ ██████████ appeared on behalf of the Department.

The record was extended for further medical evidence. Judge Jacqueline Hall-Keith left State employment before the hearing decision was written. The undersigned Administrative Law Judge has written this hearing decision after review of all evidence in the record including the recording of the actual hearing as well as additional documents received.

ISSUE

Whether the Department properly determined that the Claimant was not disabled for purposes of Medical Assistance ("MA-P") program and retroactive MA-P for October 2005.

FINDINGS OF FACT

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

1. The Claimant submitted a public assistance application seeking MA-P and Retro-MA for October 2005, on February 27, 2006.

2. The Medical Review Team (“MRT”) determined the Claimant was not disabled on March 16, 2006 finding the Claimant’s impairment lacked duration.

3. On March 20, 2006, the Department sent the Claimant an eligibility notice informing the Claimant that his MA-P and Retro-MA benefits were denied.

4. On June 20, 2006, the Department received the Claimant’s Hearing Request protesting the denial of benefits.

5. On August 19, 2006, the State Hearing Review Team (“SHRT”) found the Claimant not disabled.

6. The Claimant’s alleged disabling impairments are due to cellulitis and abscess of left upper arm, arthritis, and fatigue.

7. At the time of hearing, the Claimant was 61 years old with a [REDACTED] birth date; was 5’ 5” and weighed 135 pounds.

8. The Claimant completed through the 8th grade and has an employment history as a general laborer.

9. The record was extended based upon the Claimant’s request to allow submission of additional medical treatment records not previously considered.

10. Subsequently, the Claimant was approved effective [REDACTED] for SSI.

CONCLUSIONS OF LAW

The Medical Assistance (“MA”) program is established by Subchapter XIX of Chapter 7 of The Public Health & Welfare Act, 42 USC 1397, and is administered by the Department of Human Services (“DHS”), formally known as the Family Independence Agency, 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”).

A previously denied MA application is treated as a pending application when MRT determined the Claimant was not disabled, and the Social Security Administration (“SSA”) subsequently determines that the Claimant is entitled to RSDI based on his disability/blindness for some, or all, of the time covered by the denied MA application, provided the Department is informed of the approval within 90 days of the date of the MA denial notice. PEM 260, pp.1, 2
All eligibility factors must be met for each month MA is authorized. PEM 260, p. 2

Ultimately, because of the Social Security Administration determination, it is not necessary for the Administrative Law Judge to discuss the issue of disability pursuant to PEM 260.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that the Claimant meets the definition of medically disabled under the MA-P program.

Accordingly, it is Ordered:

The Department shall open (if not previously done so) an ongoing Medical Assistance case based upon the Claimant's February 27, 2006 application.

/s/ _____
Colleen M. Mamelka
Administrative Law Judge
For Ishmael Ahmed, Director
Department of Human Services

Date Signed: February 20, 2009

Date Mailed: February 24, 2009

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.

CMM

cc:

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