

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF: [REDACTED]

Claimant

Reg. No: 2007-19711

Issue No: 2009

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

October 24, 2007

Mecosta County DHS

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. After due notice, a telephone hearing was held on October 24, 2007. Claimant personally appeared and testified.

ISSUE

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

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 April 5, 2007, claimant filed an application for Medical Assistance and retroactive Medical Assistance benefits alleging disability.

(2) On June 6, 2007, the Medical Review Team denied claimant's application stating that claimant's impairments lacked duration.

(3) On June 13, 2007, the department caseworker sent claimant notice that his application was denied.

(4) On June 19, 2007, claimant filed a request for a hearing to contest the department's negative action.

(5) On September 25, 2007, the State Hearing Review Team again denied claimant's application stating in its analysis and recommendation: the claimant has a history of chest pain but no documented heart attacks. He had a discectomy in [REDACTED]. He underwent decompressive laminectomy on [REDACTED]. His symptoms were improved with the surgery. He was using a cane prior to the surgery. The claimant would be limited to light work due to two laminectomies. 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 light work. In lieu of detailed work history, the claimant will be returned to other work. Therefore, based on the claimant's vocational profile of closely approaching advanced age at age 50, limited education and a history of working as a laborer, MA-P is denied using Vocational Rule 202.10 as a guide. Retroactive MA-P was considered in this case and is also denied.

(6) The hearing was held on October 24, 2007. At the hearing, claimant waived the time periods and requested to submit additional medical information.

(7) The Social Security Administration approved claimant for SSI benefits with a disability onset date of [REDACTED] and an eligibility date of [REDACTED].

CONCLUSIONS OF LAW

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's determination, it is not necessary for the Administrative Law Judge to discuss the issue of disability. PEM, Item 260.

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 as of the October 24, 2007 application date and for the three months prior for retroactive Medical Assistance benefits.

Accordingly, the department's decision is REVERSED. If it has not already done so, the department is ORDERED to open an ongoing Medical Assistance case for claimant effective the month of SSI entitlement.

/s/ _____
Landis Y. Lain
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: March 26, 2009

Date Mailed: March 27, 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

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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.

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