

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: 2007-29142
Issue No: 2009
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
March 13, 2008
Lapeer County DHS

ADMINISTRATIVE LAW JUDGE: Jay W. Sexton

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, an in-person hearing was held on March 13, 2008, in Lapeer. The claimant personally appeared and testified under oath.

Claimant was represented at the hearing by [REDACTED] from [REDACTED]
[REDACTED].

The department was represented by Pat Bentley (FIM).

Claimant requested additional time to submit new medical evidence. Claimant's new medical evidence was submitted to SHRT on February 13, 2009. Claimant waived the time limit requirement so that her new medical evidence could be reviewed by SHRT. After SHRT's disability approval, the Administrative Law Judge made the final decision below.

ISSUES

(1) Did claimant establish a severe mental impairment expected to preclude her from substantial gainful work, **continuously**, for one year (MA-P)?

(2) Did claimant establish a physical impairment expected to preclude her from substantial gainful work, **continuously**, for one year (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) Claimant is an MA-P/retro applicant (June 1, 2007) who was denied by SHRT (November 27, 2007) due to claimant's failure to establish an impairment which meets the department's severity and duration requirements. Claimant requests retro MA for April and May 2007.

(2) Claimant's vocational factors are: age—55; education—12th grade; post-high school education—none; work experience—self-employed newspaper delivery person and waitress.

(3) Claimant has not performed substantial gainful activity (SGA) since she was a self-employed newspaper person in 1999.

(4) Claimant has the following unable-to-work complaints:

- (a) Arthritis all over her body;
- (b) Left leg cellulites;
- (c) Left leg necrotizing fasciitis (flesh eating disease);
- (d) Leg pain.

- (5) SHRT evaluated claimant's medical evidence as follows:

OBJECTIVE MEDICAL EVIDENCE (November 27, 2007)

Claimant is a status-post 4/2007 successful left thigh and lower abdomen debridement secondary to cellulitis. A treating physician reported at the 5/29/2007 examination the status of the condition was improving (pages 24-25).

ANALYSIS

Condition improved with treatment.

* * *

- (6) Claimant lives with her husband and performs the following Activities of Daily Living (ADLs): dressing, bathing, cooking, dishwashing, light cleaning (with pain), vacuuming, laundry and grocery shopping (needs help). Claimant does not use a cane, a walker, a wheelchair, a shower stool or braces.

- (7) Claimant has a valid drivers' license and drives an automobile twice a month. Claimant is computer literate.

- (8) The following medical records are persuasive:

- (a) See the SHRT discussion of the medical evidence at Paragraph #5, above.

- (9) On February 26, 2009, SHRT approved claimant for MA-P and retro MA-P, with a review date of March 2011.

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).

Since SHRT has determined that claimant is disabled for MA-P/retro purposes, it is not necessary for the Administrative Law Judge to rule on the issue of disability. The local office will determine whether claimant meets the applicable financial disability standards.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides the claimant is disabled for MA-P/retro purposes for the reasons stated above.

The local office shall obtain current medical and review claimant's eligibility for ongoing MA-P on June 1, 2011.

SO ORDERED.

/s/ _____
Jay W. Sexton
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: June 15, 2009

Date Mailed: June 15, 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.

2007-29142/jws

JWS/tg

cc:

