

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.: 2008-23841  
Issue No.: 2009  
Case No.: [REDACTED]  
Load No.: [REDACTED]  
Hearing Date:  
January 22, 2009  
Midland County DHS

ADMINISTRATIVE LAW JUDGE: Colleen M. Mamelka

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon the Claimant's request for a hearing. After due notice, a telephone hearing was conducted from Detroit, Michigan on January 22, 2009. The Claimant appeared and testified along with [REDACTED]. [REDACTED] appeared on behalf of the Department. At the Claimant's request, the record was extended for further medical evidence to be submitted.

The additional records were received and forwarded to the State Hearing Review Team ("SHRT") for consideration. On May 18, 2009, the SHRT found the Claimant disabled pursuant to Vocational Rule 202.04 effective November 2007.

ISSUE

Whether the Department properly determined that the Claimant was not disabled for purposes of Medical Assistance ("MA-P") program?

FINDINGS OF FACT

The Administrative Law Judge, based upon 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 benefits on January 4, 2008.
2. On March 26, 2008, the Medical Review Team (“MRT”) determined the Claimant was not disabled finding the Claimant’s impairment(s) lacked duration for MA-P purposes. (Exhibit 1, pp. 312-13)
3. On April 1, 2008, the Department sent the Claimant an eligibility notice informing the Claimant that her MA-P benefits were denied. (Exhibit 1, pp. 316-17)
4. On May 27, 2008, the Department received the Claimant’s Request for Hearing protesting the determination that she was not disabled. (Exhibit 1, p. 315)
5. On July 16, 2008, the State Hearing Review Team (“SHRT”) found the Claimant not disabled based upon insufficient evidence. (Exhibit 2, pp. 1, 2)
6. The Claimant’s alleged physical disabling impairments are due to high blood pressure, uncontrolled diabetes, kidney stones, sleep apnea, and chronic back pain.
7. The Claimant’s alleged mental disabling impairments are due to depression and cognitive deficits.
8. At the time of hearing, the Claimant was 56 years old with an [REDACTED] birth date; was 5’ 9” and weighed 220 pounds.
9. The Claimant is a high school graduate under the special education program with an employment history as a general laborer.
10. The Claimant’s impairment(s) will last, or has lasted, for 12 months or more.
11. On May 18, 2009, the SHRT found the Claimant disabled.

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”).

Because of the SHRT determination, it is not necessary for the Administrative Law Judge to discuss the issue of disability pursuant to PAM 600. Accordingly, the Department is required to initiate a determination of the Claimant’s financial eligibility for the requested benefits, if not previously completed.

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 MA-P program effective November 2007.

Accordingly, it is ORDERED:

1. The Department shall initiate, if not previously completed, review of the the January 4, 2008 application (if not previously completed) to determine if all other non-medical criteria are met and inform the Claimant and of the determination.
2. The Department shall supplement the Claimant any lost benefits she was entitled to receive if otherwise eligible and qualified in accordance with department policy.

3. The Department shall review the Claimant's continued eligibility in June of 2015.

/s/  
Colleen M. Mamelka  
Administrative Law Judge  
for Ishmael Ahmed, Director  
Department of Human Service

Date Signed 05/21/09

Date Mailed 05/21/09

**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.

CMM/jlg

cc:

