

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: 2008-30537
Issue No: 2009
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
December 17, 2008
Macomb County DHS

ADMINISTRATIVE LAW JUDGE: Marlene B. Magyar

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 December 17, 2008. Claimant and her adult son personally appeared and testified.

ISSUE

Did the department properly determine claimant's disability status for Medicaid (MA) eligibility purposes?

FINDINGS OF FACT

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

- (1) In August, 2008, the department notified claimant her MA case was being closed based on purported improvement at review (Department Exhibit #1, pg 127).
- (2) Claimant filed a timely hearing request; consequently, her proposed case closure was deleted pending the issuance of this Hearing Decision.

(3) At hearing, the record remained open for submission of an independent physical examination, as requested by the department's State Hearing Review Team (SHRT)(Department Exhibit #2).

(4) On February 11, 2009, SHRT reversed its earlier denial of MA benefit continuation based on the medical evidence contained within the independent physical examination narrative.

(5) SHRT determined claimant remains disabled and was disabled at all times relevant to the erroneous, proposed closure month based on Med-Voc Rule 201.05 (See SHRT decision dated 2/11/09).

(6) SHRT set a review of claimant's condition for February, 2012 and requested another independent physical examination be conducted at that time.

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).

In the present case, SHRT reversed its earlier finding of lack of disability based on additional medical evidence reviewed for the first time after the hearing. This new medical evidence establishes claimant is currently disabled, and has been disabled at all times relevant to the proposed negative action.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides the department, through SHRT, properly determined claimant's disability status upon consideration of additional medical evidence reviewed for the first time after the hearing.

Accordingly, the department's action is AFFIRMED and it is Ordered that claimant's MA benefits shall continue, with her next mandatory review scheduled in February, 2012, as specified in the SHRT approval dated February 11, 2009.

/s/

Marlene B. Magyar
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: April 2, 2009

Date Mailed: April 2, 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.

MBM/db

cc:

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