

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

[REDACTED]

Reg No. 20089502
Issue No. 2009
Case No. [REDACTED]
Load No. [REDACTED]
Hearing Date: April 23, 2008
Kalamazoo County DHS

ADMINISTRATIVE LAW JUDGE: Carmen G. Fahie

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9; MSA 16.409 and MCL 400.37; MSA 16.437 upon claimant's August 30, 2007 request for a hearing to protest the department's denial of Medical Assistance and retroactive Medical Assistance. After due notice, an in-person hearing was held Wednesday, April 23, 2008. The claimant personally appeared and testified with her authorized representative, [REDACTED]

ISSUE

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

FINDINGS OF FACT

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

1. On March 22, 2007, the claimant applied for MA-P and retroactive MA-P to December 2006.
2. At the conclusion of the hearing, the record was held open at claimant's request for the submission of additional medical records. Medical records were received and submitted to the State Hearing Review Team (SHRT). SHRT approved claimant's claim of disability on July 1, 2010.

The claimant is 60 years with a high school education and a history of no gainful employment.

The treating physician opinion noted above is not fully credible based upon the preponderance of the evidence. The evidence does support that the claimant does have severe and significant limitations. It is reasonable that the claimant would be limited to no more than light exertional tasks secondary to a history of coronary artery disease, osteoarthritis, and rheumatoid arthritis. The remainder of the claimant's allegations are not well documented. Based upon the evidence in file, the claimant would meet criteria for benefits secondary to vocational criteria. Further, using Social Security Administration (SSA) guidelines, the claimant's case, if allowed at application, would meet the guidelines for a seven-year diary.

The claimant's impairments do not meet/equal the intent or severity of an appropriate Social Security listing. The medical evidence of record indicates that the claimant retains the capacity to perform a light range of work. There was no definitive evidence of psychiatric limitations despite evidence of alcohol abuse and pharmacological treatment. However, based on the claimant's vocational profile (57 years old at application, currently 60 years old, a high school education with a history of no gainful employment), MA-P is approved using Vocational Rule 202.04 as a guide. Retroactive MA-P was considered in this case and is approved December 2006. SDA was not applied for by the claimant. This case needs to be reviewed for continuing benefits in June 2017. At review, the following needs to be provided: DHS-49B, F, G; DHS-49; all hospital and treating source notes and test results; all consultative examinations, including those purchased by the SSA/Disability Determination Service. Listings 1.02, 1.03, 1.04, 2.01, 4.04, 5.01, 9.09, 11.04, 11.14, and 14.09 were considered in this determination.

CONCLUSIONS OF LAW

The Medical Assistance (MA) program is established by the 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 (formerly known as the Family Independence Agency) administers the MA program pursuant to MCL 400.10, *et seq.*, and MCL 400.105. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) 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, per Program Administrative Manual, Item 600.

The department is required to initiate a determination of claimant's financial eligibility for the requested benefits, if not previously done. The claimant is eligible for MA-P retroactive to December 2006 with a medical review required in June 2017.

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 retroactive to December 2006 with a medical review required in June 2017.

Accordingly, the department is ORDERED to initiate a review of the March 22, 2007 application, if it has not already done so, to determine if all other non-medical eligibility criteria are met. The department shall inform the claimant of the determination in writing.

/s/

Carmen G. Fahie
Administrative Law Judge
For Ismael Ahmed, Director
Department of Human Services

Date Signed: July 20, 2010

Date Mailed: July 20, 2010

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.

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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.

CGF/vc

cc:

