

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.: 2008-6504
Issue No.: 2009
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date:
June 8, 2009
Wayne County DHS (19)

ADMINISTRATIVE LAW JUDGE: Linda Steadley Schwarb

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 and Order for Remand. After due notice, a hearing was held on June 8, 2009. The claimant was represented by [REDACTED] of [REDACTED]
[REDACTED]

ISSUE

Was claimant "disabled" for purposes of the Medical Assistance (MA-P) program in July 2005?

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 October 31, 2005, an application was filed on claimant's behalf for MA-P benefits.

The application requested MA-P retroactive to July 2005.

(2) Thereafter, on April 12, 2006, the department denied claimant's application for benefits based upon the belief that claimant did not meet the requisite disability criteria.

- (3) A hearing request was filed to protest the department's determination.
- (4) Following a hearing, on February 15, 2007, an Administrative Law Judge found claimant to be "disabled" effective August 2005. The Administrative Law Judge did not rule on claimant's eligibility for the month of July 2005.
- (5) Thereafter, claimant's authorized representative filed an appeal with a circuit court.
- (6) Thereafter, the parties agreed to remand the matter back to the State Office of Administrative Hearings and Rules for a de novo hearing on the issue of whether claimant met the disability criteria necessary for MA-P during the month of July 2005.
- (7) At the hearing, the parties reiterated that the issue was whether or not claimant was "disabled" for purposes of MA-P in July 2005.
- (8) Claimant was hospitalized [REDACTED] through [REDACTED] as a result of symptomatic enlarged fibroid uterus and lower abdominal pain. She underwent a total abdominal hysterectomy with bilateral salpingo-oophorectomy. Her discharged diagnosis was symptomatic enlarged fibroid uterus, uncontrolled hypertension, and post operative anemia.
- (9) Claimant's complaints and allegations concerning her impairments and limitations in July 2005, when considered in light of all objective medical evidence, as well as the record as a whole, reflect an individual who, in July 2005, was so impaired as to be incapable of engaging in any substantial gainful activity on a regular and continuing basis.

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,

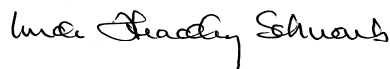
et seq., and MCL 400.105. Department policies are found in the Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

In this matter, the record supports a finding that claimant was indeed “disabled” in July 2005. She was hospitalized on [REDACTED] with an admitting diagnosis of symptomatic enlarged fibroid uterus and lower abdominal pain. She underwent a total abdominal hysterectomy with bilateral salpingo-oophorectomy. Her discharged diagnosis on [REDACTED] was symptomatic enlarged fibroid uterus, uncontrolled hypertension, and post operative anemia. The record clearly supports a finding that in [REDACTED], claimant was not capable of substantial gainful activity. The undersigned finds that claimant was “disabled” in July 2005.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that claimant met the definition of medically disabled under the Medical Assistance program in July 2005.

Accordingly, the department is ordered to initiate a review of the October 31, 2005 application, if it has not already done so, to determine if all other non-medical eligibility criteria are met. The department shall inform claimant and her authorized representative of its determination in writing. If claimant is otherwise eligible for program benefits, the department is to open Medical Assistance for claimant for the month of July 2005 and provide claimant’s authorized representative with a DHS 1038, Exception to 12 Month Billing Limitation.



Linda Steadley Schwarb
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

2008-6504/LSS

Date Signed: 10/21/09

Date Mailed: 10/21/09

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 the Circuit 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.

LSS/jlg

cc:

