

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: 2009-13046
Issue No: 2009
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
March 25, 2009
Macomb 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 January 14, 2009 request for a hearing to protest the department's denial of Medical Assistance and retroactive Medical Assistance. After due notice, a telephone hearing was held Wednesday, March 25, 2009. The claimant personally appeared and testified with his authorized representative and sister, [REDACTED], as a witness.

ISSUE

Whether claimant meets the disability criteria for Medical Assistance and retroactive Medical Assistance?

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 July 14 2008, the claimant applied for MA-P and retroactive MA-P to May 2008.

(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 February 26, 2009.

The claimant is alleging disability due to a stroke. He is 53 years old and has a high school education with a history of semi-skilled work. The claimant meets/equals Social Security Listing 11.04 as of August 2008 per CFR 404, Subpart P.

The claimant was capable of performing past work prior to August 2008. The claimant's doctor indicated that the claimant was illiterate. The doctor also indicated that prior to the claimant's stroke in [REDACTED]; the claimant had a left-hand deformity since [REDACTED] and had lost three of his fingers. He also had a metal plate in his arm. However, the claimant had been able to work many years with his left-hand deformity and would be able to return to one of his past jobs prior to his stroke in [REDACTED]. In [REDACTED] when the claimant had a stroke and his right arm/hand, which was his good arm, was affected. The claimant had already been approved by the MRT on a subsequent application. MA-P and retroactive MA-P are approved as of [REDACTED], when the claimant had his stroke. No earlier onset is medically possible. Medical review should be set to the same review as the MRT approval.

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).

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 claimant was approved for MA by SHRT to August 2008 and by this Administrative Law Judge retroactive to May 2008 with a medical review required September 2011.

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 Medical Assistance retroactive to May 2008 with a medical review required September 2011.

Accordingly, the department is ORDERED to initiate a review of the July 14, 2008 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: August 25, 2009

Date Mailed: August 25, 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.

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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/vmc

cc:

