

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: 2009-17162
Issue No: 2009
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
May 19, 2009
Macomb County DHS

ADMINISTRATIVE LAW JUDGE: Landis Y. Lain

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 May 19, 2009. Claimant personally appeared and testified.

ISSUE

Did the Department of Human Services (the department) properly deny claimant's application for Medical Assistance (MA-P)?

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 July 2, 2008, claimant filed an application for Medical Assistance benefits alleging disability.

(2) On December 30, 2008, the Medical Review Team denied claimant's application stating that claimant's impairments were non-exertional.

(3) On January 12, 2009, the department caseworker sent claimant notice that her application was denied.

(4) On January 21, 2009, claimant filed a request for a hearing to contest the department's negative action.

(5) On April 15, 2009, the State Hearing Review Team denied claimant's application stating that claimant had a non-severe impairment/condition per 20 CFR 416.920(c).

(6) The hearing was held on May 19, 2009. At the hearing, claimant waived the time periods and requested to submit additional medical information.

(7) Additional medical information was submitted and sent to the State Hearing Review Team on May 24, 2009.

(8) On May 29, 2009, the State Hearing Review Team approved claimant for Medical Assistance benefits stating that retro MA-P was approved effective April 2008 and a one-year medical re-examination of May 2010 was recommended. The State Hearing Review Team did not indicate why they approved claimant.

(9) The claimant is a 25-year-old woman whose birth date is [REDACTED]. Claimant is 5' 4" tall and weighs 235 pounds. Claimant has four years of college and has an Associate's Degree.

(10) Claimant last worked July 2008 at [REDACTED]. Claimant has also worked as a cashier at a [REDACTED].

(11) Claimant alleges as disabling impairments: bipolar disorder, migraines, headaches, mood disorder and suicidal ideation as well as blood clots in her legs and lungs.

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 department is required to initiate a determination of claimant's financial eligibility for the requested benefits, if not previously done.

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 as of the July 2, 2008 application date.

Accordingly, the department's decision is REVERSED. The department is ORDERED to initiate a review of the July 2, 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.

In addition, the department is ORDERED to conduct a one-year medical re-examination of claimant in June 2010.

/s/

Landis Y. Lain
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: July 13, 2009

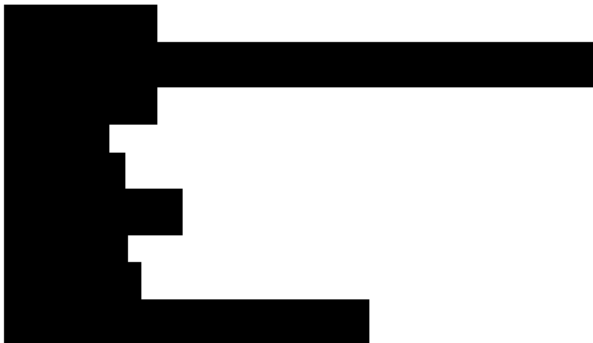
Date Mailed: July 13, 2009

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 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.

LYL/vmc

cc:

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