

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.: 2009-29655  
Issue No.: 2009  
Case No.: [REDACTED]  
Load No.: [REDACTED]  
Hearing Date:  
November 16, 2009  
Wayne County DHS (57)

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. After due notice, a hearing was held on November 16, 2009. [REDACTED] appeared as authorized representative for the Special Personal Representative of the Estate.

ISSUE

Did the Department of Human Services (DHS or department) properly determine that claimant was not "disabled" for purposes of the Medical Assistance (MA-P) program?

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 December 16, 2008, an application for MA-P was filed on behalf of claimant's estate. The application requested MA-P retroactive to September of 2008.

- 2) On March 17, 2009, the department denied the application based upon the belief that claimant did not meet the requisite disability criteria.
- 3) On June 12, 2009, a hearing request was filed to protest the department's determination.
- 4) Claimant was born on [REDACTED].
- 5) Claimant was hospitalized [REDACTED] as a result of mental status changes. Her discharge diagnosis was hepatic encephalopathy; cirrhosis secondary to alcoholic hepatitis; CA-19-9 elevated, most likely secondary to alcohol abuse; coagulopathy secondary to cirrhosis; polysubstance abuse; anemia; acute kidney injury, resolved; hepatitis C history; anion gap metabolic acidosis, likely secondary to alcohol resolved; and thrombocytopenia secondary to liver failure.
- 6) Claimant died on [REDACTED], as a result of upper gastrointestinal bleed due to gastric erosion with cirrhosis as a contributing condition.

#### 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).

Federal regulations require that the department use the same operative definition for “disabled” as used for Supplemental Security Income (SSI) under Title XVI of the Social Security Act. 42 CFR 435.540(a).

“Disability” is:

...the inability to do any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death or which has lasted or can be expected to last for a continuous period of not less than 12 months  
... 20 CFR 416.905

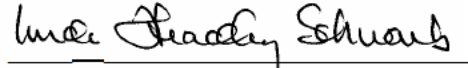
In this case, from September of 2008 until her death in December of 2008, the medical records support the finding that claimant had medically determinable impairments which resulted in her death. Claimant’s impairments were obviously severe and can be presumed to have prevented claimant from engaging in any past relevant work or other substantial gainful work activity existing in the national economy. 20 CFR 416.905. In this case, after careful consideration of the medical record, the undersigned Administrative Law Judge finds that claimant was indeed disabled from [REDACTED] until the time of her death in [REDACTED].

#### 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 as of [REDACTED] until the time of her death in [REDACTED].

Accordingly, the department is ordered to initiate a review of the December 16, 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 authorized representative of its determination in writing.

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

Date Signed: February 3, 2010

Date Mailed: February 4, 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.

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.

LSS/pf

cc:

