

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: 2009-31015

Issue No: 2009

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

October 1, 2009

Oakland 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 October 1, 2009. Claimant personally appeared and testified.

ISSUE

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

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 and retroactive Medical Assistance benefits alleging disability.

(2) On February 9, 2008, the Medical Review Team denied claimant's application stating that claimant's impairments were non-exertional and that claimant could perform other work.

(3) On March 19, 2009, the department caseworker sent claimant notice that his application was denied.

(4) On April 9, 2009, claimant filed a request for a hearing to contest the department's negative action.

(5) On August 5, 2009, the State Hearing Review Team again denied claimant's application stating in its analysis and recommendation: The claimant had a brain aneurysm in [REDACTED]. He has back and joint pain, but has no current functional limitations. He was a poor informant and vague at times, but had no evidence of a formal thought disorder. The records from the Social Security Administration show that the claimant has been able to perform substantial gainful employment since his brain aneurysm. The claimant would be capable of simple, unskilled, light work. The claimant's impairments do not meet/equal the intent or severity of a Social Security listing. The medical evidence of record indicates that the claimant retains the capacity to perform a wide range of simple, unskilled, light work. In lieu of detailed work history, the claimant will be returned to other work. Therefore, based on the claimant's vocational profile of closely approaching advanced age at 52, limited education and a history of janitorial work, MA-P is denied using Vocational Rule 202.10 as a guide. Retroactive MA-P was considered in this case and is also denied.

(6) Claimant is a 53-year-old man whose birth date is [REDACTED]. Claimant is 5' 9" tall and weighs 200 pounds. Claimant attended the 11th grade and had no GED. Claimant is able to read and write and does have basic math skills.

(7) Claimant alleges as disabling impairments: hypertension, bipolar disorder, aneurysm, and back pain as well as anxiety.

(8) On October 27, 2009, the Social Security Administration issued a fully favorable decision and gave claimant a disability onset date of [REDACTED]

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 Social Security Administration determination, it is not necessary for the Administrative Law Judge to discuss the issue of disability. PEM, Item 260. 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 and the three months prior retroactive Medical Assistance application date.

Accordingly, the department's decision is REVERSED. The department is ORDERED to initiate a review of the claimant's July 2, 2008 Medical Assistance and retroactive Medical Assistance 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/

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

Date Signed: November 18, 2009

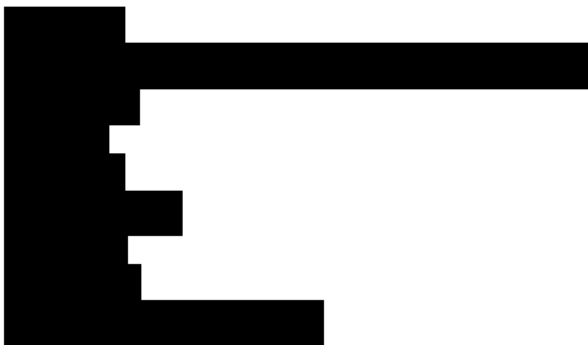
Date Mailed: November 18, 2009

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

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