

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: 2009-13888

Issue No: 2009

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

April 14, 2009

Genesee 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, an in-person hearing was held on April 14, 2009. Claimant personally appeared and testified. Claimant was represented at the hearing by [REDACTED]

ISSUE

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

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 November 24, 2008, Administrative Law Judge Lain issued a decision denying claimant's application for Medical Assistance, retroactive Medical Assistance and State Disability Assistance benefits for an application filed December 4, 2007.

(2) On June 26, 2008, claimant filed another application for Medical Assistance, retroactive Medical Assistance and State Disability Assistance benefits alleging disability. Claimant also filed an application February 15, 2008 and July 22, 2008 as well as June 26, 2008. All applications are herein consolidated and were addressed in the November 24, 2008 Decision Register #2008-14637.

(3) On April 10, 2009, the State Hearing Review Team again denied claimant's application for Medical Assistance and retroactive Medical Assistance stating that claimant was capable of performing other work in the form of light work per 20 CFR 416.967(b) and pursuant to Medical-Vocational Rule 202.21. The State Hearing Review Team commented that an Administrative Law Judge rendered a decision of November 24, 2008. The evidence in the file does not demonstrate an impairment that was not considered and therefore the ALJ decision is adopted.

(4) The hearing was held on April 14, 2009. At the hearing, claimant waived the time periods and requested to submit additional medical information.

(5) Additional medical information was submitted and sent to the State Hearing Review Team on April 15, 2009.

(6) On May 4, 2009, the State Hearing Review Team again denied claimant's application for retroactive Medical Assistance for the months of March, April, May and June of 2008 based upon the fact that the Administrative Law Judge had already addressed the issues and stated in its decision that claimant was capable of performing other work in the form of light work per 20 CFR 416.967(b) pursuant to Medical-Vocational Rule 202.21.

(7) Claimant is a 46-year-old man whose birth date is [REDACTED]. Claimant is 5' 11" tall and weighs 224 pounds. Claimant is a high school graduate and was in special education for reading and writing. Claimant testified on the record that he cannot read but he can add and subtract and count money.

(8) Claimant last worked in 1995 remodeling houses which he did for eight years.

(9) Claimant alleges as disabling impairments: rectal bleeding, arthritis, back pain, coronary artery disease, cardio obstructive pulmonary disease, hypertension and memory loss.

(10) The record indicates that claimant filed a new application November 12, 2008 for Medical Assistance, retroactive Medical Assistance and State Disability Assistance benefits.

(11) On February 26, 2009, the Medical Review Team approved claimant's November 12, 2008 application as well as the retroactive MA application for the month of August 2008 forward and stated that claimant's condition began June 2008 and his medical review should be February 2012.

(12) On February 26, 2009, the Medical Review Team determined that the month and year that claimant's conditions began would be June 2008. (MRT Decision)

#### 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 the instant case, this Administrative Law Judge has already made a determination of claimant's eligibility for disability on November 24, 2008 and Decision Register #2008-14637 is herein incorporated in its entirety.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department appropriately established on the record that it was acting in compliance with department policy when it denied claimant's application for retroactive Medical Assistance benefits. The claimant should be able to perform a wide range of light or sedentary work even with his impairments. The department has established its case by a preponderance of the evidence. Hearing Decision Register #2008-14637 is herein incorporated in its entirety.

Accordingly, the department's decision is AFFIRMED.

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

Date Signed: June 2, 2009

Date Mailed: June 3, 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.

2009-13888/LYL

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:

