

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: 2009-16458

Issue No: 2009

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

June 23, 2009

Washtenaw 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 June 23, 2009. Claimant personally appeared and testified.

ISSUE

Whether claimant meets the disability criteria for Medical Assistance (MA-P) and retroactive Medical Assistance (retro 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 January 2, 2009, claimant filed an application for Medical Assistance and retroactive Medical Assistance benefits to December 2008.

(2) On January 28, 2009, the Medical Review Team denied claimant's application stating that claimant's impairments were non-exertional.

(3) On January 30, 2009, the department caseworker sent claimant notice that his application was denied.

(4) On February 13, 2009, claimant filed a request for a hearing to contest the department's negative action.

(5) On April 2, 2009, the State Hearing Review Team again denied claimant's application stating that claimant is capable of performing work in the form of unskilled work per 20 CFR 416.968(a) pursuant to Medical-Vocational Rule 204.00(H) commenting that the claimant does not have a diagnosis of mental retardation. He basically functions in the low-average range of intelligence. He does have some emotional problems which would limit his ability to do semi-skilled or skilled work. However, the claimant has worked, has earned SGA and has worked enough to be insured for Social Security benefits. The claimant would be able to do simple, unskilled work.

(6) The hearing was held on June 23, 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 June 23, 2009.

(8) On June 26, 2009, the State Hearing Review Team approved claimant based on a vocational approval and approved retroactive Medical Assistance benefits effective October 2008 and stated that a three-year medical re-examination in June 2012 is recommended and at medical review please obtain a mental status exam with a psychiatrist or psychologist in narrative format to include all of the following:

1. a brief history of claimant's medical treatment, hospitalizations and medications,

2. general observations,
3. mental status examinations, and
4. diagnosis. Standardized and productive testing is not necessary for the purposes of this evaluation.

(9) Claimant is a 38-year-old man whose birth date is [REDACTED]. Claimant is 5' 9" tall and weighs 145 pounds. Claimant is a high school graduate and was learning disabled and he is able to read and write and does have basic math skills and can count money.

(10) Claimant last worked January 2008 as a [REDACTED] cart attendant. Claimant has also worked at [REDACTED] as a cart attendant and at [REDACTED] as a cart attendant. Claimant does receive State Disability Assistance benefits.

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 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 October 2008 vocational approval from the State Hearing Review Team.

Accordingly, the department's decision is REVERSED. The department is ORDERED to initiate a review of the January 2, 2009 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 and shall conduct a review in June 2012 in accordance with the State Hearing Review Team's decision of July 26, 2009 which requests to obtain a mental status examination with a psychiatrist or a psychologist in narrative format that should include a brief history of the claimant's treatment, hospitalizations and medications, general observations, mental status examination and diagnosis as well as updated medical reports.

/s/

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

Date Signed: July 14, 2009

Date Mailed: July 15, 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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