

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: 2009-17006

Issue No: 2009; 4031

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

May 28, 2009

Genesee County DHS

ADMINISTRATIVE LAW JUDGE: Carmen G. Fahie

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9; MSA 16.409 and MCL 400.37; MSA 16.437 upon claimant's February 5, 2009 request for a hearing to protest the denial of claimant's Medical Assistance , retroactive Medical Assistance and State Disability Assistance benefits. After due notice, an in-person hearing was held Thursday, May 28, 2009.

ISSUE

Whether claimant meets the disability criteria for Medical Assistance, retroactive Medical Assistance, and State Disability Assistance?

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 23, 2008, the claimant applied for Medical Assistance and State Disability Assistance with an application for retroactive Medical Assistance to April 2008.

(2) At the conclusion of the hearing, the record was held open at claimant's request for the submission of additional medical records. Medical records were received and submitted to the State Hearing Review Team (SHRT). SHRT approved claimant's claim of disability on June 4, 2009.

The claimant is alleging disability due to cirrhosis, hepatitis B, shortness of breath, HIV, and back pain. He is 41 years old and has 12 years of education with a skilled, light, work history. The claimant met or equaled Listing 5.05A in the Social Security listings of CFR 404, Subpart P.

The claimant was admitted in [REDACTED] due to a GI bleed secondary to esophageal varices. He did receive four units of blood which meets the "new" Listing 5.05A for one year from the bleed. MA-P and retroactive MA-P are approved as of April 2008. A personal representative is recommended for handling the claimant's benefits. At the medical review date, June 2010, please obtain and include updated DHS-49 series forms/application forms, the old medical packet, DHS-1552, SSI Verification, and updated medical records from December 2008 to current.

CONCLUSIONS OF LAW

The State Disability Assistance (SDA) program which provides financial assistance for disabled persons is established by 2004 PA 344. The Department of Human Services (DHS or department) administers the SDA program pursuant to MCL 400.10, *et seq.*, and MAC R

400.3151-400.3180. Department policies are found in the Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

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.

The claimant is eligible for MA-P retroactive to April 2008 and SDA based on his July 23, 2008 application. A medical review is required in June 2010 as listed by SHRT.

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 Medical Assistance retroactive to April 2008 and SDA based on his July 23, 2008 application. A medical review is required June 2010 that meets the qualifications listed in the SHRT decision dated June 4, 2009.

Accordingly, the department is ORDERED to initiate a review of the July 23, 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.

/s/ _____
Carmen G. Fahie
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.

CGF/vmc

cc:

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