

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: 2009-17931
Issue No: 2009
Case No. [REDACTED]
Load No: [REDACTED]
Hearing Date:
June 11, 2009
Wayne County DHS

ADMINISTRATIVE LAW JUDGE: Tyra Wright

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 June 11, 2009. Claimant appeared and testified. Claimant's mother appeared as a witness. A medical contact worker represented the Department.

ISSUE

Did the Department properly determine that Claimant was not disabled for purposes of the Medical Assistance (MA) and retroactive MA programs?

FINDINGS OF FACT

The Administrative Law Judge, based upon the competent, material and substantial evidence on the whole record, finds as material fact:

- (1) Claimant applied for Medicaid (MA-P), retroactive MA due to a disability on October 13, 2008.
- (2) On January 7, 2009, the Medical Review Team (MRT) determined Claimant was not disabled and, therefore, not eligible for MA or Retro MA for September 2008.

- (3) Claimant was [REDACTED] years old with a birth date of [REDACTED] at the time of the hearing. Claimant is 5'11" and weighs 169 pounds. He is right hand dominant. Claimant completed high school, an undergraduate degree and a graduate degree in 2D animation.
- (4) Claimant currently works part-time at a [REDACTED] retail store as a warehouse and stock worker.
- (5) In September 2008, Claimant fell while exiting a bus. The fall caused Claimant to suffer a ruptured spleen. Claimant was incapacitated for two months.
- (6) The Department received Claimant's hearing request on February 10, 2009.

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 (formerly known as the Family Independence Agency) administers the MA program pursuant to MCL 400.10, et seq., and MCL 400.105. Department policies for FAP and MA are found in the Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

Pursuant to Federal Rule CFR 435.540, the Department of Human Services uses the federal Supplemental Security Income (SSI) policy in determining eligibility for disability under the Medical Assistance program. Under SSI, disability is defined as:

. . .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

Pursuant to 20 CFR 416.920 a five step sequential evaluation process is used to

determine disability. An individual's current work activity, the severity of the impairment, the residual functional capacity, past work, age, education and work experience are evaluated. If an individual is found disabled or not disabled at any point no further review is made.

The first step is to determine if an individual is working and if that work is "substantial gainful activity" (SGA). If the work is SGA, an individual is not considered disabled regardless of medical condition, age or other vocational factors. 20 CFR 416.920(b). In this case, Claimant is employed part-time at a [REDACTED] department store, where he works about eight hours per week.

Secondly, the individual must have an impairment that must have lasted or must be expected to last for a continuous period of at least 12 months. This is the "durational requirement." 20 CFR 416.909. In this case, Claimant's impairment, a ruptured spleen did not last longer than 12 months and is not expected to last longer than 12 months. Claimant was injured in September 2008 and began working in the warehouse of a [REDACTED] store in November 2008.

Because claimant's impairment is not expected to last longer than 12 months and only a couple months, it is not necessary to analyze the remaining steps three through five in the analysis. In addition, Claimant is currently employed.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that Claimant does not meet the definition of medically disabled under the MA program as of his application on October 1, 2008. Retroactive MA is also not applicable.

Accordingly, the Department's determination is AFFIRMED.

/s/

Tyra L. Wright
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 06/18/09

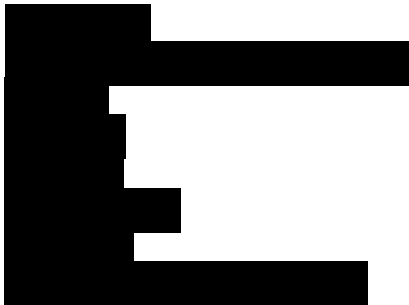
Date Mailed: 06/22/09

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.

TW/dj

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