

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: 2009-21315

Issue No: 2009; 4031

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

October 6, 2009

Jackson County DHS

ADMINISTRATIVE LAW JUDGE: Carmen G. Fahie

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 Tuesday, October 6, 2009. The claimant is deceased, but was represented by her estate authorized representative, [REDACTED]

ISSUE

Did the department properly deny the claimant's application for Medical Assistance (MA-P), retroactive Medical Assistance, 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 August 28, 2008, the claimant applied for MA-P and SDA with retroactive MA-P to May 2008.

(2) On December 11, 2008, the Medical Review Team (MRT) denied the claimant's application for MA-P and retroactive MA-P stating that the claimant was capable of performing other work per 20 CFR 416.920(f) and for SDA that the claimant's physical and mental impairment does not prevent employment for 90 days or more.

(3) On December 16, 2008, the department caseworker sent the claimant a notice that her application was denied.

(4) On March 18, 2009, the department received a hearing request from the claimant, contesting the department's negative action.

(5) On May 21, 2009, the State Hearing Review Team (SHRT) considered the submitted objective medical evidence in making its determination of MA-P, retroactive MA-P, and SDA eligibility for the claimant. The SHRT report reads in part:

The claimant is 44 years old and alleges disability due to cirrhosis of the liver, anemia, and high blood pressure. The claimant has a limited education and a history of unskilled work.

The MRT approved MA-P and SDA benefits in March 2009 on a case filed in February 2009. Being this case was filed in August 2008, we are only looking at a period of time from May 2008 retro to November 2008 which would be the retro date on the February 2009 filing date. The actual case file from the March 2009 approval is not included in this file. The claimant has a history of alcohol abuse, but her mental status was unremarkable. The claimant has cirrhosis of the liver, but does not meet or equal the listing level. Therefore, prior to the November 2008 MRT approval, the claimant is denied due to her ability to do simple, unskilled, light work.

The MRT approved MA-P and SDA benefits in March 2009 with retro to November 2008. Benefits are denied prior to November 2008. The claimant's impairments do not meet/equal the intent or severity of a Social Security listing prior to November 2008. The medical evidence of record indicates that the claimant retains the capacity to perform a wide range of simple, unskilled, light work prior to November 2008. Therefore, based on the claimant's vocational profile (younger individual, limited education, and

history of unskilled work), MA-P is denied prior to November 2008 using Vocational Rule 202.17 as a guide. Retroactive MA-P was considered in this case and is also denied prior to November 2008. SDA is denied prior to November 2008 per PEM 261 because the nature and severity of the claimant's impairments would not preclude work activity at the above stated level for 90 days.

(6) On [REDACTED], the claimant died.

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).

The department is required to initiate a determination of claimant's financial eligibility for the requested benefits, if not previously done.

MRT approved the claimant based on a February 2009 application retroactive to November 2008. The claimant died on [REDACTED] from hepatic encephalopathy, liver failure, cirrhosis, and alcohol abuse, as the chain of events, injuries, or complications that directly caused the claimant's death. Acute renal failure, hypercalcemia, and anemia were other significant

conditions to be contributed to the death, but not resulting in the underlying cause of death.

These were the same symptoms that the claimant had when she filed in February 2009 and was approved by MRT. As a result, this Administrative Law Judge approves the claimant for retroactive MA to May 2008 and SDA based on her August 28, 2008 application.

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 MA retroactive to May 2008 to October 2008 and SDA based on the claimant's August 28, 2008 application.

Accordingly, the department is ORDERED to initiate a review of the August 28, 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's authorized representative of the determination in writing.

/s/ _____
Carmen G. Fahie
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: January 15, 2010

Date Mailed: January 15, 2010

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:

