

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

██████████

Claimant

Reg No: 2009-22010

Issue No: 2009

Case No: ██████████

Load No: ██████████

Hearing Date:

September 23, 2009

Wayne County DHS

ADMINISTRATIVE LAW JUDGE: Jeanne M. VanderHeide

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 hearing. After due notice, a telephone hearing was conducted from Detroit, Michigan on September 23, 2009. The Claimant appeared and testified. Marietha Allman, MCW appeared on behalf of the Department.

ISSUE

Whether the Department properly denied the Claimant Medical Assistance ("MA") benefits effective March 5, 2009?

FINDINGS OF FACT

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

1. Claimant filed for MA on 2/24/09.
2. Claimant testified that ██████████ applied for SSI/RSDI on the same date. Claimant testified that the SSI/RSDI was denied.

3. The Claimant failed to appeal the Social Security Administration's ("SSA") denial of SSI/RSDI.
4. Claimant's impairments have been medically diagnosed as labial abscess with surgery, morbid obesity, skin problems, Type II diabetes, and heart condition.
5. Claimant's physical symptoms are an open labial wound.
6. Claimant was hospitalized at [REDACTED] in January of 2009 for treatment of a labial edema.
7. Claimant's impairments will last or have lasted for a continuous period of not less than 12 months.
8. Claimant testified that she is currently able to work.
9. Medical Records were examined as follows, in part:

[REDACTED] – [REDACTED]
Labial Abscess – necrotizing facitis. Surgically corrected

[REDACTED] SHRT Decision

Claimant is 35 years old and has a 12th grade education with a history of unskilled work. Claimant was hospitalized with an abscess located in the right labial area extending to the mons pubis area. Surgery was performed to drain and was treated with antibiotics. She was discharged in stable condition.

10. The Claimant's condition is not expected to last for a continuous period of 12 months or the claimant's impairment is expected to improve post operatively.
11. The medical evidence of record indicates that the claimant retains the capacity to perform a wide range of medium work.

CONCLUSIONS OF LAW

The Medical Assistance ("MA") program is established by Subchapter XIX of Chapter 7 of The Public Health & Welfare Act. 42 USC 1397 and is administered by the Department of Human Services pursuant to MCL 400.10, *et. seq.* The Department of Human Services ("DHS"), formally known as the Family Independence Agency, administers the program pursuant to MCL 400.10, *et seq* and MAC R 400.3001-3015. Departmental policies are found in

the Program Administrative Manual (“PAM”), the Program Eligibility Manual (“PEM”), and the Program Reference Manual (“PRM”).

State Disability Assistant (“SDA”) clients receiving disability-related MA must apply for SSI as a potential resource. PEM 270, p. 1 SDA clients are referred to the Social Security Administration to apply for Supplemental Security Income (“SSI”) when they also receive Medicaid (“MA”) based on an Medical Review Team (“MRT”) decision that they are blind or disabled. PEM 271, p. 1. The disability standard for both disability related MA and SSI is the same. PEM 271, p. 1. When the SSA determines that a client is not disabled/blind for SSI purposes, the client may appeal that determination at SSA. PEM 260, p. 9. The SSA Appeals Process consists of three steps:

1. Reconsideration (if initial application filed prior to October 1, 1999)
2. Hearing
3. Appeals Council

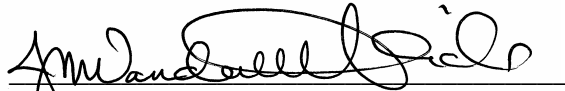
PEM 260, p. 9. The client has 60 days from the date he receives a denial notice to appeal a SSA action. PEM 260, p. 9; PEM 271, p. 6. A SSA determination becomes final when no further appeals may be made at SSA. PEM 260, p. 2. Once a SSA’s determination that a disability or blindness does not exist becomes final, the MA case must be closed. PEM 260, p. 3; PEM 271, p. 8.

In the record presented, Claimant testified that that SSA denied her application and that the SSA decision was not appealed and thus became final and binding on the Claimant’s MA case. Ultimately, the Department established it acted in accordance with department policy when it cancelled the Claimant’s MA coverage. The denial of MA is AFFIRMED.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law find that the Department acted in accordance with departmental policy when it denied the Claimant's MA coverage March 5, 2009.

Accordingly, it is ordered that the denial of MA is AFFIRMED.



Jeanne M. VanderHeide
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 10/07/09

Date Mailed: 10/08/09

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.

JV/dj

cc:

