

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: 2009-22555
Issue No: 2009
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
July 30, 2009
Gratiot 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 July 30, 2009. Claimant personally appeared and testified.

ISSUE

Did the Department of Human Services (the department) properly deny claimant's application 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 September 17, 2008, claimant filed an application for Medical Assistance and retroactive Medical Assistance benefits alleging disability.

(2) On October 22, 2008, the Medical Review Team denied claimant's application stating that claimant could perform other work.

(3) On January 6, 2009, the department caseworker sent claimant notice that his application was denied.

(4) On April 7, 2009, claimant filed a request for a hearing to contest the department's negative action.

(5) On May 26, 2009, the State Hearing Review Team again denied claimant's application stating that it had insufficient evidence and requested a complete physical examination.

(6) The hearing was held on July 30, 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 July 31, 2009.

(8) On August 3, 2009, the State Hearing Review Team approved claimant for Medical Assistance and retroactive Medical Assistance benefits stating that claimant meets or equals listing 4.02 and commented that the combination of the impairments would preclude the ability to perform sedentary work on a sustained basis per 20 CFR 416.923. Therefore, MA-P is approved. Retroactive MA-P is approved effective July 2008. A three-year medical reexamination in August 2012 is recommended.

(9) Claimant is a 46-year-old man whose birth date is [REDACTED]. Claimant is 6' 1" tall and weighs 310 pounds. Claimant recently gained 40 pounds.

(10) Claimant is a high school graduate and is able to read and write and does have basic math skills.

(11) Claimant last worked August 8, 2008 as a truck driver.

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, 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.

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 November 20, 2008 application date and the three months prior to August 2008 under the retroactive Medical Assistance application.

Accordingly, the department's decision is REVERSED. The department is ORDERED to initiate a review of the November 20, 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/ _____
Landis Y. Lain
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: August 11, 2009

Date Mailed: August 11, 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

cc:

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