

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

[REDACTED]

Reg No. 200924726
Issue No. 2009
Case No. [REDACTED]
Load No. [REDACTED]
Hearing Date: July 30, 2009
Grand Traverse 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 April 13, 2009 request for a hearing to protest the department's denial of Medical Assistance and retroactive Medical Assistance. After due notice, a telephone hearing was held Thursday, July 30, 2009. The claimant personally appeared and testified with her authorized representative, [REDACTED].

ISSUE

Whether claimant meets the disability criteria for Medical Assistance (MA-P) and retroactive Medical Assistance?

FINDINGS OF FACT

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

1. On September 29, 2008, the claimant applied for MA-P and retroactive MA-P to July 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 July 26, 2010.

The claimant is 52 years old and alleges disability due to a liver abscess and osteoarthritis of the right knee. She has a 12th grade education and a history of unskilled and semi-skilled work.

The claimant had a right knee replacement. In [REDACTED], she had an antalgic gait with decreased range of motion and crepitus, valgus alignment and atrophy of the quads of the left knee. She was advised to use a cane. The claimant would be limited to sedentary work. A one-year review will be set as it is anticipated that with surgery, the claimant will be capable of at least light work.

The claimant's impairments do not meet/equal the intent or severity of an appropriate Social Security listing. The medical evidence of record indicates that the claimant retains the capacity to perform sedentary work. However, based on the claimant's vocational profile (closely approaching advanced age, 12th grade education, and history of semi-skilled and unskilled work), MA-P is approved using Vocational Rule 201.14 as a guide. Retroactive MA-P was considered in this case and is approved effective June 2008. At medical review July 2011 please obtain updated application forms and medical records including any hospitalizations, any operative reports, consults, office notes, and progress notes from January 2011 to current.

CONCLUSIONS OF LAW

The Medical Assistance (MA) program is established by the 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 are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) 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 June 2008 with a medical review required July 2011.

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 retroactive to June 2008 with a medical review required July 2011.

Accordingly, the department is ORDERED to initiate a review of the September 29, 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 30, 2010

Date Mailed: July 30, 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/vc

cc:

