

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.: 2009-2585

Issue No.: 2009

Case No.: ██████████

Load No.: ██████████

Hearing Date:

February 26, 2009

Wayne County DHS

ADMINISTRATIVE LAW JUDGE: Linda Steadley Schwarb

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 hearing was held on February 26, 2009. The claimant appeared and testified. Claimant was represented by ██████████. Following the hearing, the record was kept open for the receipt of additional medical evidence. Additional documents were received and reviewed.

ISSUE

Did the Department of Human Services (DHS or department) properly determine that claimant is not "disabled" for purposes of the Medical Assistance (MA-P) program in February and March of 2008?

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 May 28, 2008, claimant filed an application for MA-P benefits. Claimant requested MA-P retroactive to February 2008.
- 2) On July 18, 2008, the department denied claimant's application for benefits based upon the belief that claimant did not meet the requisite disability criteria.
- 3) On October 14, 2008, claimant filed a hearing request to protest the department's determination.
- 4) Thereafter, based upon heart failure, obesity, and hyperalimentation, the Social Security Administration found claimant disabled for purposes of Supplemental Security Income effective July 28, 2008.
- 5) At the hearing, based upon the Supplemental Security Income award, the department agreed to open MA-P for claimant effective April 2008.
- 6) Thereafter, the parties agreed that the remaining issue was whether claimant was "disabled" in February and March of 2008 for purposes of MA-P.
- 7) Claimant suffered from heart failure, obesity, and hyperalimentation in February and March of 2008.
- 8) Claimant has been disabled since February 2008.

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 Social Security Administration award of Supplemental Security Income, the undersigned Administrative Law Judge need only discuss the issue of disability for the months of February and March of 2008. A careful consideration of the hearing record supports a finding that claimant was indeed disabled effective February 2008. Claimant was hospitalized from [REDACTED] due to his cardiac condition. It is the finding of this Administrative Law Judge that claimant met the disability criteria necessary for MA-P effective February 2008.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that claimant meets the definition of medically disabled under the Medical Assistance program as of February 2008.

Accordingly, the department is ordered to initiate a review of the May 28, 2008 application, if it has not already done so, to determine if all other non medical eligibility criteria have been met. The department shall inform claimant and his authorized representative of its determination in writing.

/s/ _____
Linda Steadley Schwarb
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 08/11/09

Date Mailed: 08/12/09

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.

LSS/dj

cc:

