

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: 2009-28409
Issue No: 2009
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
August 12, 2009
Ingham County DHS

ADMINISTRATIVE LAW JUDGE: Marlene B. Magyar

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 telephone hearing was held on August 12, 2009. Claimant personally appeared and testified.

ISSUE

Did the department properly determine claimant's disability status for Medicaid (MA) eligibility purposes?

FINDINGS OF FACT

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

(1) Claimant is a 58-year-old pack per day smoker with a high school education who worked as a senior mortgage specialist until she suffered a stroke in December 2008; she has been unemployed since then.

(2) Claimant applied for disability-based MA on January 27, 2009, based on her stroke residuals which include impaired memory, impaired balance, impaired eyesight, excessive fatigue and depression.

(3) That application was denied; consequently, claimant filed a hearing request to dispute the denial.

(4) Claimant's hearing was held on August 12, 2009.

(5) Claimant presented additional evidence at hearing which was reviewed by the department's State Hearing Review Team (SHRT)(Client Exhibit A).

(6) On August 20, 2009, SHRT issued a decision finding claimant met the disability criteria with onset retroactive to December 2008 (employment stop/stroke occurrence).

(7) SHRT deemed claimant was disabled based on Medical-Vocational Rule 202.06 as of that month.

(8) SHRT set a medical review of claimant's condition for August 2016 (unless she receives a Social Security disability allowance by that time).

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).

In the present case, SHRT reversed its earlier finding of lack of disability based on additional medical evidence reviewed for the first time after the hearing. This new medical evidence establishes claimant is currently disabled, and has been disabled since December 2008.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides the department, through SHRT, properly determined claimant's disability status upon consideration of additional medical evidence reviewed for the first time after the hearing.

Accordingly, the department's decision is AFFIRMED, and claimant's disputed application shall be processed with benefits awarded if claimant meets all of the other financial and non-financial requirements necessary to receive them. Additionally, the local office shall conduct a review of claimant's condition in August 2016, as recommended by SHRT. **SO ORDERED.**

/s/
Marlene B. Magyar
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: August 26, 2009

Date Mailed: August 27, 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 receipt 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.

2009-28409/mbm

MBM/db

cc:

