

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: 2009-33451
Issue No: 2009
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
September 30, 2009
Ingham 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 September 30, 2009. Claimant was represented at the hearing by [REDACTED].

ISSUE

Whether the claimant meets the disability criteria 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 February 9, 2009, claimant filed an application for Medical Assistance and retroactive Medical Assistance benefits to January 2009.
- (2) On April 4, 2009, the Medical Review Team denied claimant's application stating claimant could perform other work.

(3) On April 21, 2009, the department caseworker sent claimant notice that his application was denied.

(4) On July 16, 2009, claimant filed a request for a hearing to contest the department's negative action.

(5) On August 31, 2009, the State Hearing Review Team again denied the claimant's application stating that it had insufficient evidence.

(6) On February 7, 2010, the Social Security Administration awarded claimant Retirement, Survivor's and Disability Insurance (RSDI) benefits with a disability onset date

██████████.

(7) Claimant is a 63-year-old man whose birth date is ██████████. Claimant is 6'3" tall and weighs 250 pounds. Claimant is a high school graduate and also attended ██████████ ██████████, and became a master electrician.

(8) Claimant last worked December 2008 as a field supervisor for an electrical department. Claimant worked as an electrician/electrical contractor for approximately 45 years.

(9) Claimant alleges his disabling impairment: coronary artery disease, shortness of breath, arthritis, diabetes mellitus, tremors and back pain.

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 determination it is not necessary for the Administrative Law Judge to discuss the issue of disability. BEM, item 260. 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 the claimant meets the definition of medically disabled under the Medical Assistance Program as of the February 9, 2009 application date and for the January 2009 retroactive application.

Accordingly, the department's decision is REVERSED. The department is ORDERED to initiate a review of the February 9, 2009 application and retroactive Medical Assistance application if it is not already done so to determine if all other non-medical eligibility criteria are met. The department shall inform the claimant of a determination in writing. Based upon claimant's age and Social Security Administration decision, no medical review needs to be performed.

/s/

Landis Y. Lain
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: March 29, 2010

Date Mailed: March 29, 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

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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/alc

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