

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.: 2009-33471
Issue No.: 2009
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date:
November 5, 2009
Wayne County DHS (82)

ADMINISTRATIVE LAW JUDGE: Jonathan W. Owens

AMENDED 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 November 5, 2009. Claimant appeared and testified.

The original decision remains in full force except for the following amendment. The Claimant was approved by the Social Security Administration for SSI with an onset date of March 24, 2008. The final decision and order shall reflect this change.

ISSUE

Whether the Department of Human Services (DHS or Department) properly determined that Claimant is not "disabled" for purposes of the Medical Assistance (MA-P) program?

FINDINGS OF FACT

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

1. On April 28, 2009, Claimant's representative applied for MA-P and retro MA-P.
2. On May 13, 2009, the Medical Review Team denied Claimant's request.

3. On July 17, 2009, Claimant submitted to the Department a request for hearing.
4. The State Hearing and Review Team (SHRT) denied Claimant's request.
5. Claimant is 48 years old.
6. Claimant completed education through 9th grade.
7. Claimant has not worked for over 20 years and, previous to that, she worked at Dairy Queen and a gas station.
8. Claimant's limitations have lasted for 12 months or more.
9. Claimant suffers from seizure condition, migraines, diabetes, back injury and loss of hearing in one ear.
10. On January 30, 2009, Claimant was hospitalized for a bile duct obstruction, gastritis, gastroduodenitis, hyperlipidemia, backache, dysthymic disorder, and ischemic cardiomyopathy.
11. On July 8, 2009, Claimant's treating doctor indicated Claimant's condition was stable and limited Claimant to occasionally lifting less than 10 lbs, standing less than 2 hours in an 8-hour day and limited use of feet and legs for operation of foot/leg controls. No other limitations were noted.
12. On April 27, 2010 the Social Security Administration found the Claimant to be disabled as of March 24, 2008.

CONCLUSIONS OF LAW

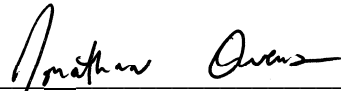
The Medical Assistance (MA-P) program is established by Title XIX of the Social Security Act and is implemented by Title 42 of the Code of Federal Regulations (CFR). The Department administers the MA-P program pursuant to MCL 400.10, *et seq.*, and MCL 400.105. Department policies are found in the Program 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.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that Claimant is medically disabled.

Accordingly, the Department, if it has not already done so, is ORDERED to open an ongoing Medical Assistance case for the Claimant which shall include coverage back to January 2009 which fits within the SSA entitlement period.



Jonathan W. Owens
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 04/27/10

Date Mailed: 04/27/10

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.

JWO/DJ

cc:

