

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: 2009-35451
Issue No: 2009; 4031
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
October 27, 2009
Washtenaw County DHS (20)

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 October 27, 2009. Claimant personally appeared and testified. Claimant was represented at the hearing by [REDACTED]

ISSUE

Did the Department of Human Services (the department) properly deny claimant's application for Medical Assistance (MA-P) and retroactive Medical Assistance (retro MA) benefits?

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 26, 2009, claimant filed an application for Medical Assistance and retroactive Medical Assistance benefits alleging disability.
- (2) On April 22, 2009, the Medical Review Team denied claimant's application stating that claimant could perform prior work.
- (3) On May 5, 2009, the department caseworker sent claimant notice that his application was denied.
- (4) On July 30, 2009, claimant filed a request for a hearing to contest the department's negative action.
- (5) On September 21, 2009, the State Hearing Review Team again denied claimant's application stating in its' analysis and recommendation: the

claimant has multiple complaints. He reports chronic pain but his physical examination revealed very little objective abnormalities, other than multiple skin lesions from possible delusional parasitosis. He has a history of substance abuse. His mental status showed that he was somewhat slowed and occasionally lost his train of thought. The claimant's impairments do not meet/equal the intent or severity of a social security listing. The medical evidence of record indicates that the claimant retains the capacity to perform a wide range of simple unskilled medium work. Therefore, based on the claimant's vocational profile of advanced age at 55, high school education and a history of unskilled work, MA-P is denied using Vocational Rule 203.14 as a guide. Retroactive MA-P was considered in this case and is also denied.

- (6) The hearing was held on October 27, 2009. At the hearing, claimant waived the time periods and requested to submit additional medical information.
- (7) On January 3, 2011, the Administrative Law Judge received a SOLQ data report from the Social Security Administration which indicates that claimant was approved for Social Security disability SSI with a disability onset of July 29, 2009.
- (8) On the date of hearing claimant was a 56-year-old man whose birth date is [REDACTED]. Claimant is 5'9" tall and weighs 134 pounds. Claimant attended the 12th grade and has no GED. Claimant is able to read and write and can add subtract and count money.
- (9) Claimant last worked approximately 10 years before the hearing in maintenance painting houses and working on cars.
- (10) Claimant alleges as disabling impairments: degenerative disc disease, hepatitis C, back problems, skin sores, chronic insomnia, arthritis, and depression as well as paranoia, and memory problems.

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 Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) 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 the claimant meets the definition of medically disabled under the Medical Assistance Program as of the February 26, 2009, application date and the retroactive Medical Assistance application date and 3 months prior to the application which would be January 2009 and November and December 2008.

Accordingly, the department's decision is REVERSED. The department is ORDERED, if it has not already done so, to open an ongoing Medical Assistance case for the claimant effective the month of SSI entitlement.

Landis

/s/ _____
Y. Lain
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: January 5, 2011

Date Mailed: January 5, 2011

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.

LYL/alc

cc:

[REDACTED]