

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:



Reg. No: 2010-15664
Issue No: 2009
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
February 23, 2010
Oakland County DHS (2)

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, a telephone hearing was held on February 23, 2010. Claimant personally appeared and testified.

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-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 September 15, 2009, claimant filed an application for Medical Assistance and Retroactive Medical Assistance benefits alleging disability.
- (2) On November 18, 2009, the Medical Review Team denied claimant's application stating that claimant's impairment's lack duration.
- (3) On November 25, 2009, the department caseworker sent claimant notice that her application was denied.
- (4) On December 18, 2009, claimant filed a request for a hearing to contest the department's negative action.
- (5) On January 25, 2010, the State Hearing Review Team again denied claimant's application stating in its' analysis and recommendation: the

evidence of record does not support this condition being of such severe nature for a period of 12 months or greater. While there is recent evidence gathered from the Social Security Administration file this does not alter the above findings made by the Medical Review Team. Medical Evidence of record indicates that the claimant's condition is improving or is expected to improve within 12 months from the date of onset or from the date of surgery. Therefore, MA-P is denied due to lack of duration under 20 CFR 416.909. Retroactive MA-P was considered in this case and is also denied. SDA was not applied for by the claimant. Listings 3.01, 4.02/4.04, 6.02, and 9.08 were considered in this determination.

- (6) The hearing was held on February 23, 2010. At the hearing, claimant waived the time periods and requested to submit additional medical information.
- (7) On January 3, 2011, this Administrative Law Judge received information from the Social Security Administration that claimant had been approved for Social Security benefits with a disability onset date of August 27, 2009.
- (8) Claimant is a 50-year-old woman whose birth date is [REDACTED]. Claimant is 5'5" tall and weighs 230 pounds. Claimant is a high school graduate. Claimant is able to read and write and does have basic math skills.
- (9) Claimant last worked in 2007 in a shoe store as a sales person. Claimant has also worked as a [REDACTED] Jewelry Department Manager and as a Bank cashier and restaurant waitress and short order cook.
- (10) Claimant alleges as disabling impairments: congestive heart failure, obesity, diabetes mellitus, hypertension, renal failure, hypercholelemia, bloated legs, hyperthyroidism, anemia, and depression.

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 this Administrative Law Judge to discuss the issue of disability. BEM, Item 260. The department is required to initiate a determination of the 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 that the claimant meets the definition of medically disabled under the Medical Assistance and retroactive Medical Assistance program as of the September 15, 2009, application date and the 3 months prior. Claimant meets the definition of medically disabled for the months of June, July and August 2009 also.

Accordingly, the department's decision is REVERSED. The department is ORDERED to initiate a review of the September 15, 2009, Medical Assistance and retroactive Medical Assistance benefit application if it has not already done so to determine if all other non-medical eligibility criteria are met. The department shall inform the claimant of the determination in writing.

The department is ORDERED to conduct a Medical Review of claimant's case in January 2012. At that time, the department shall determine whether or not claimant remains eligible for Social Security Administration benefits and if not the department shall require claimant to provide updated medical records from 2011.

Landis

/s/

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

Date Signed: January 18, 2011

Date Mailed: January 19, 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.

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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:

