

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: 201020567

Issue No: **2009**

Case No: [REDACTED]

Hearing Date

April 1, 2010

Genesee County DHS (6)

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 April 1, 2010. Claimant was represented at the hearing by [REDACTED].

This hearing was originally held by Administrative Law Judge [REDACTED]ton. Judge [REDACTED] is no longer affiliated with the Michigan Administrative Hearing System Administrative Hearings for the Department of Human Services. This hearing decision was completed by Administrative Law Judge [REDACTED] by considering the entire record.

ISSUE

Did the Department of Human Services (the department) properly deny claimant's application for Medical Assistance (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 14, 2009, claimant filed and application for Medical Assistance and Retroactive Medical Assistance benefits alleging disability.
- (2) On October 19, 2009, the Medical Review Team denied claimant's application stating the claimant's impairments lack duration.
- (3) On November 13, 2009, the department caseworker sent claimant notice that her application was denied.

- (4) On February 8, 2010, claimant filed a request for a hearing to contest the department's negative action.
- (5) On March 3, 2010, the State Hearing Review Team again denied claimant's application stating in its analysis and recommendation: the claimant was admitted in June 2009 and August 2009 due to upper GI bleeding. She received two liters of packed blood cells in June 2009 and 4 units in August 2009. The claimant has a history of alcohol abuse but her bilirubin was within normal limits. Her condition was expected to continue to improve with treatment. The 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 20CFR416.909. Retroactive MA-P was considered in this case and is also denied.
- (6) The hearing was held on April 1, 2010. At the hearing, claimant waived the time periods and requested to submit additional medical information.
- (7) Additional medical information was submitted and sent to the State Hearing Review Team on October 4, 2011.
- (8) On November 23, 2011, the State Hearing Review Team approved claimant for Medical Assistance and Retroactive Medical Assistance stating that the claimant was approved for Social Security by an Administrative Law Judge on June 21, 2011. The established onset date is May 7, 2009. Therefore, claimant is approved for MA-P and Retro-MA-P. The established MA-P began date is June 2009 based on the September 2009 application. If a review is necessary please do so in June 2012.

CONCLUSIONS OF LAW

The regulations governing the hearing and appeal process for applicants and recipients of public assistance in Michigan are found in the Michigan Administrative Code, MAC R 400.901-400.951. An opportunity for a hearing shall be granted to an applicant who requests a hearing because his or her claim for assistance has been denied. MAC R 400.903(1). Clients have the right to contest a department decision affecting eligibility or benefit levels whenever it is believed that the decision is incorrect. The department will provide an administrative hearing to review the decision and determine the appropriateness of that decision. BAM 600.

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 (BAM), the Program Eligibility Manual (BEM) and the Program Reference Manual (PRM).

Because of the SHRT determination on the Social Security Administration determination it is not necessary for the Administrative Law Judge to discuss the issue Disability. The department is required to initiate a determination of claimant's financial eligibility for the requested benefits if not previously done.

The Administrative Law Judge panel, 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 September 14, 2009 application date and for the retroactive months of June, July and August 2009. Based upon the Social Security Administration determination the claimant has a disability onset date of May 2009.

DECISION AND ORDER

The Administrative Law Judge panel, 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 June 2009 Retroactive Medical Assistance application date and as of the September 14, 2009 application date and for the retroactive months of June, July and August 2009.

Accordingly, the department's decision is REVERSED. The department is ORDERED to initiate a review of the September 14, 2009 Medical Assistance and Retroactive Medical Assistance application if it has not already done so to determine if all or none Medical eligibility criteria are met. The department shall telephone or notify the claimant in writing. The department shall conduct a Medical Review in June 2012.

/S/

Landis Y. Lain
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: 12/6/11

Date Mailed: 12/6/11

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/ds

■ [REDACTED]