

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: 2010-20755
Issue No: 2009
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
March 25, 2010
Mason County DHS

ADMINISTRATIVE LAW JUDGE: Carmen G. Fahie

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9; MSA 16.409 and MCL 400.37; MSA 16.437 upon claimant's February 16, 2010 request for a hearing to protest the department's denial of Medical Assistance. After due notice, a telephone hearing was held Thursday, March 25, 2010. The claimant personally appeared and testified with his interpreter and daughter, [REDACTED].

ISSUE

Whether claimant meets the disability criteria 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 December 18, 2009, the claimant applied for MA-P without filing an application for retroactive MA-P.

(2) At the conclusion of the hearing, the record was held open at claimant's request for the submission of additional medical records. Medical records were received and submitted to the State Hearing Review Team (SHRT). SHRT approved claimant's claim of disability on June 1, 2010.

The claimant is 53 years old, has a limited education, and a history of no gainful employment. The Social Security Administration (SSA) made a determination on [REDACTED] that the claimant, as of [REDACTED], only retained the ability to perform sedentary, simple, and repetitive tasks. On January 7, 2010 and before, the claimant retained the ability to perform light exertional tasks. As of January 8, 2010, the claimant met the vocational requirements of 201.09 for being eligible for disability. January 7, 2010 and prior, 202.10 directed a denial to other, light, simple, and repetitive tasks. The SSA determination is being adopted.

The claimant's impairments do not meet/equal the intent or severity of a Social Security listing as of January 7, 2010 and prior. As of January 7, 2010 and prior the medical evidence of record indicates that the claimant retains the capacity to perform a wide range of light exertional work of a simple and repetitive nature. Therefore, based on the claimant's vocational profile (53 years old, a limited education, and a history of no gainful employment), MA-P is denied using Vocational Rule 202.20 as a guide. Retroactive MA-P was considered in this case and is also denied.

As of [REDACTED], the claimant was approved for Social Security Disability benefits with an established date of onset of [REDACTED] and is currently in payment status. Therefore, MA-P is approved effective January 8, 2010. MA-P was considered and is denied as the onset of disability is not fully favorable. This case needs to be medically reviewed for continuing benefits in June 2017. At review, the following needs to be provided of prior medical

packs, DHS-49B, F, G, DHS-49D and E, all hospital and treating source notes and test results, all consultative examinations, including those purchased by the SSA/Disability Determination Service. Listings 1.02, 1.03, 1.04, 4.04, 12.04, and 12.09 were considered in this determination.

(3) This Administrative Law Judge rules that the claimant is eligible for benefits retroactive to December 2009 because the claimant's impairments were established at the date of his application.

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 SHRT determination, it is not necessary for the Administrative Law Judge to discuss the issue of disability, per Program Administrative Manual, Item 600.

Because of the Social Security Administration determination, it is not necessary for the Administrative Law Judge to discuss the issue of disability. PEM, Item 260; PEM, Item 261.

The department is required to initiate a determination of claimant's financial eligibility for the requested benefits, if not previously done. The claimant is eligible for MA-P retroactive to December 2009 with a medical review required June 2017.

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 retroactive to December 2009 with a medical review required June 2017.

Accordingly, the department is ORDERED to initiate a review of the December 18, 2009 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.

/s/
Carmen G. Fahie
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: June 9, 2010

Date Mailed: June 9, 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 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.

CGF/vc

cc:

