

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: 2010-24405
Issue No: 2009; 4031
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
April 13, 2010
Genesee 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 request for a hearing to protest the department's denial of Medical Assistance, retroactive Medical Assistance, and State Disability Assistance. After due notice, an in-person hearing was held Tuesday, April 13, 2010. The claimant personally appeared and testified on her own behalf with her authorized representative, [REDACTED].

ISSUE

Whether claimant meets the disability criteria for Medical Assistance (MA-), retroactive Medical Assistance, and State Disability Assistance (SDA)?

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 16, 2009, the claimant applied for MA-P with retroactive MA-P to August 2009.

(2) On September 21, 2009, the claimant applied for SDA.

(3) 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 April 28, 2010.

The claimant is 42 years old and alleges disability due to an abscess on the kidney, back pain, diabetes, high blood pressure, high cholesterol, lupus, fibromyalgia, irritable bowel syndrome, sleep apnea, neuropathy, asthma, history of a stroke, and history of a heart attack. The claimant has a high school education and a history of semi-skilled work.

The claimant alleges multiple medical problems. However, her most recent examinations have for the most part been unremarkable other than the abscesses and the cellulitis/panniculitis. An MRI in [REDACTED] showed avascular necrosis of the bilateral femoral heads. There was also the question of Munchausen Syndrome raised during her [REDACTED] admission, but the claimant denied injecting herself with air to cause the problem. The claimant will be allowed benefits at this time based on the ongoing problems with the abscesses and the cellulitis and avascular necrosis. A short medical review will be given and at that time we should get a good physical and mental evaluation.

The claimant's impairments do not meet/equal the intent or severity of an appropriate Social Security listing. The medical evidence of record indicates that the claimant does not retain

the capacity to perform even sedentary work on a sustained basis due to repeated hospitalizations and abscesses/cellulitis. Therefore, MA-P is approved using Vocational Rule 201.00(H) as a guide. Retroactive MA-P was considered in this case and is approved effective July 2009. SDA is approved in accordance with PEM 261.

At the medical review July 2010, please obtain a complete physical examination by a licensed physician in narrative format and a mental status examination with a psychiatrist or psychologist in narrative format.

CONCLUSIONS OF LAW

The State Disability Assistance (SDA) program which provides financial assistance for disabled persons is established by 2004 PA 344. The Department of Human Services (DHS or department) administers the SDA program pursuant to MCL 400.10, *et seq.*, and MAC R 400.3151-400.3180. Department policies are found in the Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

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.

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 July of 2009 and SDA based on her September 21, 2009 application. A medical review is required July 2010.

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 MA-P retroactive to July 2009 and SDA based on her September 21, 2009 application. A medical review is required July 2010.

Accordingly, the department is ORDERED to initiate a review of the September 21, 2009 and September 16, 2009 applications, 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: May 25, 2010

Date Mailed: May 25, 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:

