

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: 2010-2756
Issue No: 2009
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
January 12, 2010
Ingham 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 September 2, 2009 request for a hearing to protest the department's denial of Medical Assistance and retroactive Medical Assistance. After due notice, an in-person hearing was held Tuesday, January 12, 2010. The claimant personally appeared and testified with her authorized representative, [REDACTED], from [REDACTED].

ISSUE

Whether claimant meets the disability criteria for Medical Assistance and retroactive Medical Assistance?

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 January 8, 2009, the claimant through her authorized representative filed an application for MA-P and retroactive MA-P to November 2008.

(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 October 12, 2009.

The claimant is a 49 year-old woman with 12 years of education and an unskilled work history. The claimant alleges disability due to depression, bipolar disorder, diabetes, hypertension, and heart disease. The claimant met applicable Social Security Listings 12.01, 9.01, and 4.01. According to the SHRT, this was a vocational approval based on a combination of impairments under Vocational Rule 201.00(h). MA-P is approved as of January 2009 with retroactive MA-P beginning December 2008 with a November 2010 medical review to include an independent physical consultative examination by an internist in narrative form, not by the treating physician, independent consultative psychiatric examination, and medical records of all treating sources from August 2009 to current.

(3) This Administrative Law Judge finds that the claimant's complications started on [REDACTED] admitting date to [REDACTED] where she was admitted with chest pain, uncontrolled diabetes, uncontrolled high blood pressure, and thrombocytosis.

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.

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 November 2008 with a medical review November 2010 as required by SHRT.

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 November 2008 with a medical review required November 2010.

Accordingly, the department is ORDERED to initiate a review of the January 8, 2009 application, if it has not already done so, to determine if all other non-medical eligibility criteria are met.

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

Date Signed: February 25, 2010

Date Mailed: February 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/vmc

cc:

