

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: 2010-27675
Issue No: 2009
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
April 22, 2010
Arenac County DHS

ADMINISTRATIVE LAW JUDGE: Marlene B. Magyar

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 April 22, 2010. Claimant personally appeared and testified.

ISSUE

Did the department properly determine claimant's disability status for Medicaid MA)/retro-MA eligibility purposes?

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 10, 2009, claimant applied for MA/retro-MA.
- (2) The department's State Hearing Review Team (SHRT) issued a final departmental denial on this application on April 1, 2010 (Department Exhibit #2).

(3) Claimant promptly requested a hearing, at which, the presiding Administrative Law Judge admitted updated medical records and reports.

(4) This information was promptly forwarded to SHRT for a post-hearing review.

(5) On April 23, 2010, SHRT reversed its earlier denial of claimant's December 10, 2009 MA/retro-MA application.

(6) SHRT determined the new evidence shows claimant was disabled beginning December 1, 2009.

(7) Claimant's medical records and credible testimony at hearing established he started feeling ill in November 2009, and he was hospitalized for what was then believed to be an acute episode of colitis; additional testing was recommended to hopefully rule out an underlining malignancy (Department Exhibit #1, pgs 71-74).

(8) Unfortunately, that did not happen and claimant was diagnosed with colon cancer, that being the condition on which MA was ultimately approved by SHRT effective December 2009, but not earlier (retro-MA denied).

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).

In the present case, SHRT reversed its earlier finding of lack of disability based on additional medical evidence reviewed for the first time after the hearing. This new medical

establishes claimant is currently disabled, and has been disabled at all times relevant to his disputed MA/retro-MA application. As such, SHRT's post-hearing decision is hereby affirmed, but modified to include retro-MA approval.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides the department, through SHRT, properly determined claimant's disability status.

Accordingly, SHRT's decision is AFFIRMED with modification, and it is Ordered that both MA and retro-MA coverage be initiated, as long as claimant meets the other financial and non-financial requirements necessary to receive this coverage. Furthermore, the local office shall conduct a review of claimant's condition in December 2010, as specified in the SHRT approval dated April 23, 2010.

/s/ _____
Marlene B. Magyar
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: April 29, 2010

Date Mailed: April 29, 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 receipt 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.

2010-27675/mbm

MBM/db

cc:

