

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: 2010-28326  
Issue No: 2009  
Case No: [REDACTED]  
Load No: [REDACTED]  
Hearing Date:  
April 27, 2010  
Montmorency 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 and retroactive Medical Assistance. After due notice, a telephone hearing was held Tuesday, April 27, 2010. The claimant is deceased as of [REDACTED], but was represented by the brother, [REDACTED], and the claimant's brother's wife, [REDACTED] as a witness.

ISSUE

Whether claimant meets the disability criteria for Medical Assistance (MA-P) 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 December 21, 2009, the claimant applied for MA-P and retroactive MA-P to September 2009.

(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 May 27, 2010 for Medical Assistance and retroactive Medical Assistance.

The claimant is alleging disability due to acute renal failure and retroperitoneal mass. He is 48 years old and has a 12<sup>th</sup> grade education with a history of skilled work. The claimant met applicable Social Security Listing 6.01. The medical evidence sufficiently demonstrated that the intent and severity of Listing 6.01 was equaled. MA-P is approved. Retroactive MA-P was considered in this case and is approved effective September 1, 2009. Benefits are approved as of December 21, 2009 to [REDACTED].

(4) This Administrative Law Judge awards MA-P retroactive to September 2009 because the claimant's impairments were established for the contested time period.

#### 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 September 2009 to [REDACTED], which is the date of his death, and SDA based on his December 21, 2009 application.

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 September 2009 to [REDACTED], which is the date of his death, and SDA based on his December 21, 2009 application.

Accordingly, the department is ORDERED to initiate a review of the December 21, 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:

