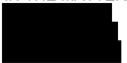
STATE OF MICHIGAN STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES ADMINISTRATIVE HEARINGS FOR THE DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF THE CLAIM OF:



Reg No.:2010-34462 Issue No.: 2009

Case No.:

Load No.:

Hearing Date: June 15, 2010

Tuscola County DHS

ADMINISTRATIVE LAW JUDGE: Landis Y. Lain

HEARING DECISION

This matter is before the undersigned Administ rative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon the c laimant's request for a hearing. After due notice, a telephone hearing was held on June 15, 2010. The claimant appeared and testified.

<u>ISSUE</u>

Whether the claimant meets the disability criteria for Medical Assistance (MA-P) and retroactive Medical Assistance (retro MA-P)?

FINDINGS OF FACT

The Administrative Law Judge, based upon the competent, material, and substantial evidence on the whole record, finds a material fact:

- (1) On March 17, 2010, claimant fil ed an application for Medical As sistance and retroactive Medical Assistance benefits alleging disability.
- (2) On April 27, 2010, the Medical Review Team denied claimant's application stating that claimant could perform other work.
- (3) On May 5, 2010, the d epartment caseworker sent claimant notice that his application was denied.
- (4) On May 13, 2010, claimant filed a request for a hearing to contest the department's negative action.

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(5) On May 24, 2010, the Stat e He aring Rev iew Team again denied claimant's application st ating that it had insu fficient information and requested in an updated m edical records from April 10 through current and a mental status evaluation with a psychiatrist or psychologist.

- (6) A hearing was held on June 15, 2010. At the hearing, claimant waived the time periods and requested to submit additional medical information.
- (7) On June 23, 2010, the department case worker notified the Administrative Law Judge that claimant has been approved for Social Security benefits with a disability onset date of February 17, 2010.
- (8) Claimant is a 47-year-old man whose birth-date is Claimant is 5'9" tall and weighs 315 pounds. Claimant is a high school graduate and is able to read and write and does have basic math skills.
- (9) Claimant last worked February 4, 2010, as a medical technician. Claimant has also worked at doing maintenance and driving a fork lift.

CONCLUSIONS OF LAW

The Medic al Assistance (MA) program is est ablished by the Title XIX of the Socia I Security Act and is implemented by Title 42 of the Code of Federal Regulations (CFR). The Department of Human Services (formerly known as the Family Independ ence Agency) administers the MA program pursuant to MCL 400.10, et seq., and MC L 400.105. Department polic ies are found in the Program Admini strative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

Because of the Social Security Administration determination it is not necessary for this Administrative Law J udge to discuss the iss ue of disability. Claimant was approved Social Sec urity Administration benefits in the amount of \$ per month in RSDI benefits. The department is required to initiate a det ermination of the claimant's financial eligibility for requested benefits if not previously done.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusion sof law, decides that the claimant meets the definition of medically disabled under the Medical Assistance and retroactive Medical Assistance benefit program as of the March 17, 2010, application date and as of the February 17, 2010, disability onset date as indicated by the Social Security Administration.

Accordingly, the department is ORDERED to reins tate claimant's March 17, 2010, Medical Assistance and retroactive Medical Assistance benefit application and initiate a

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review of the applic ation if it has not already done s o to determine if all other non-medical eligibility criteria are met. The department shall inform the claimant of the determination in writing.

The department is ORDERED to conduct a medical review of claimant's application in July 2011. At that time, the department shall determine whether or not claimant is still medically eligible to receive RSDI benefits and if he is, the department shall conduct an appropriate investigation and all other non-medical eligibility criteria. If claimant no longer eligible for RSDI benefits, the department shall conduct a medical review and assist claimant in providing updated medical and psychiatric evaluations.

<u>/s/</u>

Landis Y. Lain Administrative Law Judge For Ismael Ahmed, Director Department of Human Services

Date Signed: July 09, 2010

Date Mailed: July 12, 2010

<u>NOTICE:</u> 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 Hear ings will not orde rarehearing 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 ti mely request for rehearing was made, within 30 days of the receipt date of the rehearing decision.

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