

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: 2010-3674
Issue No: 2009; 4031
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
November 24, 2009
Genesee County DHS

ADMINISTRATIVE LAW JUDGE: Ivona Rairigh

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 November 24, 2009. Claimant personally appeared and testified with the assistance of his representative [REDACTED].

ISSUE

Did the department properly determine in July, 2009 that the claimant was not disabled for Medicaid (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. Claimant applied for MA and retro MA on April 13, 2009.
2. On June 12, 2009, department's Medical Review Team determined claimant was not disabled for MA eligibility purpose.

3. On July 16, 2009, department sent the claimant a notice saying his MA application has been denied.
4. On August 31, 2009, claimant requested a hearing on department's action.
5. On November 2, 2009 department's State Hearing Review Team (SHRT) denied claimant's application based on lack of sufficient evidence, and suggested that additional medical information to assess the severity of the claimant's impairments be obtained.
6. SHRT suggestion was followed and additional medical information obtained and submitted for review.
7. On January 15, 2010 SHRT, approved claimant's MA and retro MA application stating that the medical evidence of record indicates that the claimant does not retain the capacity to perform even sedentary work at this time.

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).

Based on SHRT determination, it is not necessary for the Administrative Law Judge to discuss the issue of disability, per Program Administrative Manual, Item 600.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the claimant is disabled for MA and retro MA eligibility purposes.

Accordingly, department is to:

1. Initiate a review of claimant's April 13, 2009 MA and retro MA application to determine if all other non-medical eligibility criteria are met. The department shall inform the claimant of the determination in writing.

2. If claimant is determined eligible for MA, a medical review of claimant's benefits is to take place in July, 2010.

3. At July, 2010 review a prior medical packet, DHS-49B, F, and G and DHS-49D and E, all treating source and hospital notes and test results, along with all consultative examinations including those purchased by the Social Security Administration/Disability Determination Service, needs to be obtained.

4. Additionally, if there is no current (within six months) psychiatric evaluation, then a mental status examination, with a psychiatrist or psychologist, in narrative format, needs to be ordered and is to include all of the following:

- a. A brief history of the claimant's treatment, hospitalizations, and medications prescribed;
- b. General observations;
- c. Mental status examination; and
- d. Diagnosis.

Note: Standardized and projective testing (e.g. MMPI, Rorschach, TAT, and IQ testing) is not necessary for the purposes of this evaluation.

It is SO ORDERED.

/s/ _____
Ivona Rairigh
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: February 4, 2010

Date Mailed: February 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.

IR [REDACTED]

cc: [REDACTED]