

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:

[REDACTED]

Reg No.:201037184
Issue No.: 2009
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: July 13, 2010
Ingham County DHS

ADMINISTRATIVE LAW JUDGE: Landis Y. Lain

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon the claimant's request for a hearing. After due notice, an in-person hearing was held on July 13, 2010. The claimant appeared and testified. Claimant was represented at the hearing by [REDACTED]

ISSUE

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

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 December 28, 2009, claimant filed an application for Medical Assistance and Retroactive Medical Assistance benefits to September 2009 alleging disability.
- (2) On February 23, 2010, the Medical Review Team denied claimant's application stating that claimant could perform other work.
- (3) On February 26, 2010, the department caseworker sent claimant notice that her application was denied.
- (4) On May 26, 2010, claimant filed a request for a hearing to contest the department's negative action.

- (5) On June 14, 2010, the State Hearing Review Team again denied claimant's application stating in its' analysis and recommendation: the evidence supports the claimant only has limitations associated with recently diagnosed myelodysplastic syndrome. The claimant does have a history of profound anemia to at least 2007. The claimant has a history of poor compliance with prescribed medical treatment. The claimant has been discharged in good and stable condition when on appropriate treatment. The claimant has no history of past relevant work. The claimant recently attended an examination and there is a treating source opinion in the file both supporting that claimant would be reasonably limited to perform sedentary tasks. The claimant's impairments do not meet/equal the intent or severity of a Social Security listing. The medical evidence of record indicates that the claimant retains the capacity to perform a wide range of sedentary work; there are no psychiatric limitations. Therefore, based on the claimant's vocational profile of 46 years old, high school education and a history of no gainful employment, Medicaid-P is denied using Vocational Rule 201.21 as guide. Retroactive MA-P was considered in this case and is also denied. State Disability was not applied for by the claimant.
- (6) The hearing was held on July 13, 2010. At the hearing, claimant waived the time periods and requested to submit additional medical information.
- (7) Additional medical information was submitted and sent to the State Hearing Review Team on July 14, 2010.
- (8) On July 15, 2010, the State Hearing Review Team again approved claimant for Medical Assistance benefits and stated in its' analysis and recommendation: the Social Security Administration has made a determination dated June 29, 2010, that the claimant equals the criteria for listing 7.02. SSA benefits were established with an onset of October 1, 2007. These findings are being adapted at this time with a 3 year diary. The claimant was approved for Social Security Disability benefits on June 29, 2010, and is currently in payment status. Therefore Medicaid-P and retroactive Medicaid-P are approved effective September 2009. State Disability was not applied for by the claimant. This case needs to be reviewed for continued benefits in July 2013.

CONCLUSIONS OF LAW

The Medical Assistance (MA) program is established by the 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 (formerly known as the Family Independence Agency) administers the MA program pursuant to MCL 400.10, *et seq.*, and MCL

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400.105. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Program Reference Manual (PRM).

Because of the Social Security Administration determination and the SHRT decision, it is not necessary for the Administrative Law Judge to discuss the issue of disability. The department is required to initiate a determination of claimant's financial eligibility for requested benefits if not previously done, if claimant was approved for RSDI benefits as opposed to SSI benefits.

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 as of the September 2009, retroactive Medical Assistance application date.

Accordingly, the department is ORDERED to initiate a review of the December 28, 2009, application and retroactive Medical Assistance 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 a determination in writing. This case needs to be reviewed for continuing benefits on July 2013. At review the following needs to be provided: prior medical packets; DHS-49B, F, G, DHS-49D, E, all hospital and treating source notes and test results; all consultative examinations, including those purchased by the SSA/Disability Determination Service, listing 1.02, 1.03, 3.01, 5.01, 6.01, 7.02, 8.01, 12.02 were considered in the determination. If claimant was determined eligible for SSI benefits, the department shall open an on-going Medical Assistance case for claimant effective the month of SSI entitlement.

/s/

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

Date Signed: July 20, 2010

Date Mailed: July 21, 2010

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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.

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