

STATE OF MICHIGAN
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

[REDACTED]
[REDACTED]
[REDACTED]

Reg. No: 2010-44852
Issue No: 2009
Case No: [REDACTED]
Hearing Date: August 31, 2010
Ogemaw 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 claimant's request for a hearing. After due notice, a telephone hearing was held on August 31, 2010. Claimant was represented at the hearing by [REDACTED].

This hearing was originally held by Administrative Law Judge Jay Sexton. Jay Sexton is no longer affiliated with the Michigan Administrative Hearing System Administrative Hearings for the Department of Human Services. This hearing decision was completed by Administrative Law Judge Landis Y. Lain by considering the entire record.

ISSUE

Did the Department of Human Services (the department) properly deny claimant's application 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 as material fact:

- (1) On July 7, 2010, claimant filed an application for Medical Assistance and retroactive Medical Assistance benefits alleging disability.
- (2) On July 13, 2010, the Medical Review Team denied claimant's application stating that claimant's impairment's lacked duration.
- (3) On July 19, 2010, the department caseworker sent claimant notice that her application was denied.

- (4) On July 22, 2010, claimant filed a request for a hearing to contest the department's negative action.
- (5) On August 6, 2010, the State Hearing Review Team again denied claimant's application stating in its analysis and recommendation: that it had insufficient evidence and it needed additional form of discharge summary from rehabilitation because claimant had a large frontal meningioma and underwent a right frontal craniotomy and tumor resection in June 2010. Following the surgery, she had left sided hemaparesis.
- (6) The hearing was held on August 31, 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 October 29, 2010.
- (8) On November 4, 2010, the State Hearing Review Team approved claimant for Medical Assistance and retroactive Medical Assistance stating that the medical evidence sufficiently demonstrates that the intent and severity of Listing 11.05 and 11.04 is met/equaled. MA-P is approved. Retroactive MA-P was considered in this case and is approved effective April 2010.

CONCLUSIONS OF LAW

The regulations governing the hearing and appeal process for applicants and recipients of public assistance in Michigan are found in the Michigan Administrative Code, MAC R 400.901-400.951. An opportunity for a hearing shall be granted to an applicant who requests a hearing because his or her claim for assistance has been denied. MAC R 400.903(1). Clients have the right to contest a department decision affecting eligibility or benefit levels whenever it is believed that the decision is incorrect. The department will provide an administrative hearing to review the decision and determine the appropriateness of that decision. BAM 600.

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 Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) 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 Bridges Administrative Manual, Item 600. The department is required to initiate a determination of the claimant's financial eligibility for the requested benefits if not previously done.

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 July 7, 2010 application date for the retroactive months of June, May, and April 2010.

Accordingly, the department's decision is REVERSED. The department is ORDERED to initiate a review of the July 7, 2010 Medical Assistance and retroactive Medical Assistance application if it has not already done so to determine if all other nonmedical eligibility criteria are met. The department shall inform the claimant of its determination in writing.

The department is also ORDERED to conduct a medical review in November 2012. During the medical review please obtain updated application forms, attach the prior medical folder and please obtain complete physical examination by licensed physician in narrative format which should include:

- (1) A brief medical history including past treatment and medications prescribed;
- (2) Vital signs, height and weight, blood pressure;
- (3) Heart and lung sounds;
- (4) A brief description of motor function, muscle strength, sensation and deep tendon reflexes;
- (5) Range of motion and degrees of affect joints;
- (6) Description of dexterity and grip strength;
- (7) Straight leg raises;

- (8) Description of gait with or without ambulatory devices and all updated medical information from November 2010 through present.



Landis Y. Lain
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: November 17, 2011

Date Mailed: November 17, 2011

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.

LYL/tg

cc:

