

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

IN THE MATTER OF:



Reg. No: 201049359
Issue No: 2009
Case No: [REDACTED]
Hearing Date
September 23, 2010
Allegan 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 September 23, 2010. Claimant personally appeared and testified. Claimant was represented at the hearing by [REDACTED]

This hearing was originally held by Administrative Law Judge Jana Bachman. Judge Bachman is no longer affiliated with the State Office of Administrative Hearings and Rules Department of Human Services and this hearing decision was completed by Administrative Law Judge Landis Y. Lain by considering the entire record.

ISSUE

Whether 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 as material fact:

1. On June 18, 2010, claimant filed an application for Medical Assistance and retroactive Medical Assistance benefits alleging disability.
2. On July 9, 2010, the Medical Review Team (MRT) denied claimant's application stating that claimant's impairments lacked duration.
3. On July 15, 2010, the department caseworker sent claimant notice that the application was denied.

4. On August 9, 2010, claimant filed a request for hearing to contest the department's negative action.
5. On August 25, 2010, the State Hearing Review Team (SHRT) again denied claimant's application stating that claimant is capable of performing work in the form light work per 20 CFR 416.967(b) and unskilled work per 20 CFR 416.968(a) pursuant to Medical Vocational Rule 202.13.
6. The hearing was held on September 23, 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 March 31, 2011.
8. On April 5, 2011, the State Hearing Review Team approved claimant for Medical Assistance and retroactive Medical Assistance stating that the Social Security Administration (SSA) Administrative Law Judge made a favorable decision dated March 17, 2011 allowing benefits to November 1, 2009 citing Vocational Rule 20114. The claimant is approved for Social Security benefits on March 17, 2011 and is currently in payment status. Therefore, MA-P and retroactive MA-P are approved effective March 3, 2010. SDA was not applied for by the claimant but would have been approved per PEM 261. No medical review is necessary due to the SSA allowance. This case needs to be reviewed for continued MA-P in April 2012. At review, the following needs to be provided: prior medical packet; DHS-49, B, F, G; all hospital and treating source notes and test results; all consultative examinations, including those purchased by the SSA/Disability Determination Service. Listing 5.05 was considered in this determination.
9. On the date of hearing, claimant was a 50-year old woman whose birth date is [REDACTED] Claimant was 5'4" tall and weighed 240 pounds. Claimant completed 12th grade and is able to read and write and did have basic math skills.
10. Claimant last worked in 2009 as a customer service representative. Claimant has also worked at a gas station as a cashier and doing factory work.
11. Claimant alleged as disabling impairments: hepatitis, bowel infection, chronic obstructive pulmonary disease, gastroesophageal reflux disease, and depression.

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 Program Administrative Manual (BAM), the Program Eligibility Manual (BEM) and the Program Reference Manual (PRM).

Because of the Social Security Administration's determination it is not necessary for the Administrative Law Judge to discuss the issue of disability. PEM Item 260.

The department is required to initiate a determination of 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 the claimant meets the definition of medically disabled under the Medical Assistance program as of the June 18, 2010 application date and also meets the definition of medically disabled for the months of May, April and March 2010 based upon the retroactive Medical Assistance application.

Accordingly, the department's decision is REVERSED. The agency is ORDERED to initiate a review of the June 18, 2010 Medical Assistance 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 the determination in writing.

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

Date Signed: April 15, 2011

Date Mailed: April 15, 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/db

cc:



