

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

IN THE MATTER OF:



Reg. No: 2010-54699

Issue No: 2009

Case No:



Load No:


Hearing Date:

November 30, 2010

Genesee County DHS (5)

**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, an in-person hearing was held on November 30, 2010. Claimant personally appeared and testified. Claimant was represented at the hearing 

**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 February 25, 2009, claimant filed an application for Medical Assistance and Retroactive Medical Assistance benefits for the months of November, December 2008 and January 2009.
- (2) On April 16, 2010, the Medical Review Team denied claimant's application stating that claimant's impairment's were non-severe.
- (3) On June 8, 2010, the department caseworker sent claimant notice that her application was denied.
- (4) On September 3, 2010, claimant filed a request for a hearing to contest the department's negative action.

- (5) On September 27, 2010, the State Hearing Review Team again denied claimant's application stating in its' analysis and recommendation: the claimant was admitted in October 2009, due to an acute exacerbation of asthma due to non-adherence. In March 2010 she was obese and her blood pressure was elevated. There was no evidence of heart failure on examination. She did not have any rales, rhonchi or wheezes heard in her lungs. She had no sensory or motor deficit. However, she did have some reflex changes. She did not have any loss of dexterity or grip. Ambulation was normal. The claimant was approved for benefits in August 2010, by the Medical Review Team. However, the information in the file would suggest that prior to MRT approval in August 2010, the claimant was capable of least light work. The MRT approved MA-P and SDA benefits in August 2010. However, prior to the MRT approval in August 2010, the claimant's impairment's did 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 at least a wide range of light work, prior to the MRT approval in August 2010. Therefore, based on the claimant's vocational profile of a younger individual, 12<sup>th</sup> grade education and a history of unskilled work, MA-P /retro MA-P was denied using Vocation Rule 202.20 as a guide prior to the August 2010 MRT approval.
- (6) The hearing was held on November 30, 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 December 1, 2010.
- (8) On December 22, 2010, the State Hearing Review Team approved claimant for Medical Assistance stating in its' analysis and recommendation: the objective medical evidence supports the criteria for listing 3.03.b are met. The medical evidence officially demonstrates that the intent or severity of listing 3.03.b are met. MA-P is approved. Retro MA-P was considered in this case and is approved effective November 2008. SDA was not applied for by the client but would have been approved from BEM 261. This case needs to be reviewed August 2011, as per Medical Review Team determination dated August 6, 2010, in order to determine on-going benefits. At review, the following needs to be provided: prior medical packet; DHS-49, DHS-49 B, F, G; all hospital and treating source notes and test results; all consultative examinations including those purchased by the Social Security Administration/Disability Determination Service. Listings 1.02, 1.03, 1.04, 3.03, 3.04, 5.01, 6.02, 9.08, 11.14 were considered in this determination.
- (9) Claimant is a 32-year-old woman whose birth date is [REDACTED] Claimant is 5'5" tall and weighs 275 pounds. Claimant is a high school

graduate. Claimant is able to read and write and does have basic math skills.

- (10) Claimant last worked July 2010 as a child care provider.
- (11) Claimant alleges as disabling impairments: chronic obstructive pulmonary disease, diabetes mellitus, hypertension, polycystic ovarian syndrome, acute renal failure, acute asthma and obesity as well as abdominoplasty.

### **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 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 BAM, Item 600. 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 that the claimant meets the definition of medically disabled under the Medical Assistance Program and retroactive Medical Assistance program as of the February 25, 2009, application date and the retroactive months of November, December 2008 and January 2009.

Accordingly, the department's decision is REVERSED. The department is ORDERED to initiate a review of the February 25, 2009, 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.

The department is ORDERED to conduct a medical review in August 2011 and to provide the information as requested by the State Hearing Review Team: prior medical packet; DHS-49, B, F, and G, all hospital and treating source notes and test results; all consultative examinations, including those purchased by the Social Security Administration/Disability Determination Service.

Landis

/s/

Y. Lain

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

Date Signed: February 7, 2011

Date Mailed: February 7, 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/alc

cc:

