

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: 2010-97
Issue No: 2009
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
January 7, 2010
Genesee County DHS

ADMINISTRATIVE LAW JUDGE: Carmen G. Fahie

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9; MSA 16.409 and MCL 400.37; MSA 16.437 upon claimant's August 14, 2009 request for a hearing to protest the department's denial of Medical Assistance and retroactive Medical Assistance. After due notice, an in-person hearing was held Thursday, January 7, 2010. The claimant personally appeared and testified with her mother [REDACTED] and authorized representative, [REDACTED]

ISSUE

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

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 March 11, 2009, the claimant applied for Medical Assistance and retroactive Medical Assistance to December 2008.

(2) At the conclusion of the hearing, the record was held open at claimant's request for the submission of additional medical records. Medical records were received and submitted to the State Hearing Review Team (SHRT). SHRT approved claimant's claim of disability on March 5, 2010.

The claimant is 27 years old and alleges disability due to a fracture of the right femur, fracture of the spinous process C6-C7, a seizure disorder, electrolyte imbalance, bulimia, anorexia, alcohol abuse, bipolar disorder, and borderline personality disorder. The claimant has an unknown amount of education and an unknown work history.

The MRT approved MA-P and retroactive MA-P in October 2009 based on a September 2009 application with retroactive MA-P to June 2009. Therefore, this case has a March 2009 application date, and is therefore looking at retroactive MA-P to December 2008 to the June 2009 MRT approval.

The claimant has a history of alcohol abuse, anorexia, and bulimia. Current medical information was requested and obtained by the hearings officer. However, since the prior SHRT request for updated records, the claimant had reapplied and was approved by the MRT with retroactive MA-P from June 2009 to current. As a result, this case is now only looking at the timeframe of December 2008 for retroactive MA-P to the June 2009 MRT approval.

The MRT approved MA-P benefits as meets/equals Listing 12.04 with retroactive MA-P back to June 2009. A review of the medical information in file indicates that the claimant has had

ongoing problems back to at least 2008. Therefore, MA-P and retroactive MA-P are approved back to December 2008. Please set the medical review as the same date as the MRT October 2009 approval.

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).

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

The claimant is eligible for MA-P retroactive to December 2008 with a medical review required as the same date as the October 2009 MRT approval.

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 MA-P retroactive to December 2008 with a medical review required on the same date as the October 2009 MRT approval.

Accordingly, the department is ORDERED to initiate a review of the March 11, 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 the determination in writing.

/s/
Carmen G. Fahie
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: April 15, 2010


Date Mailed: April 19, 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.

CGF/vmc

cc:

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