

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: 2010-10883
Issue No: 2009
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
February 04, 2010
Wayne 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 February 4, 2010. Claimant personally appeared and testified.

ISSUE

Did the Department of Human Services (the department) properly deny claimant's application for Medical Assistance (MA-P) 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 as material fact:

- (1) On July 29, 2009, claimant filed an application for Medical Assistance and Retroactive Medical Assistance benefits alleging disability.
- (2) On September 22, 2009, the Medical Review Team denied claimant's application stating that claimant could perform other work.

(3) On September 28, 2009, the department caseworker sent claimant notice that his application was denied.

(4) On October 27, 2009, claimant filed a request for a hearing to contest the department's negative action.

(5) On December 14, 2009, the State Hearing Review Team again denied claimant's application stating that it had insufficient information and the State Hearing Review Team requested it internist examination.

(6) Additional medical information was submitted and sent to the State Hearing Review Team on March 23, 2010.

(7) On March 24, 2010, the State Hearing Review Team again denied claimant's application stating in its' analysis and recommendation: There is a treating source opinion and an opinion offered from the recent examination each noting that the claimant is incapable of performing even sedentary work at this time. The individual conditions of the claimant do not meet or equal a listing level condition that would prevent the claimant from performing gainful tasks. However, when all conditions are taken together, even those conditions which are fairly well-controlled at this time, it is reasonable that the claimant would be significantly limited to being unable to perform even sedentary tasks at this time. There is a [REDACTED] Social Security Administration physical examination and a [REDACTED] Social Security Administration Administrative Law Judge determination which have been added to the file; the more recent evidence details significant deterioration in the claimant's condition from these prior documents. The claimant's impairments do not meet/equal the intent or severity of an appropriate Social Security listing. The medical evidence of record indicates that the claimant retains the capacity to perform a less than sedentary range of exertional work. However, based

on the claimant's vocational profile of 44 years old, a high school education and a history of light, semi-skilled employment, Medicaid-P is approved using Vocational Rule 201.00(h) as a guide. Retroactive Medicaid-P was considered in this case and is approved effective April 2009. State Disability was not applied for by the claimant. This case needs to be reviewed for continuing disability benefits on March 2013. At review, the following needs to be provided: DHS-49 b, f, g; DHS-49 d and e; all hospital and treating source notes and test results; all consultative examinations including those purchased by the Social Security Administration/Disability Determination Service. Listing 1.02, 1.03, 1.04, 2.02, 2.08, 3.02, 3.03, 4.04, 5.06, 9.08, 11.14 and 12.04 were considered in this determination.

(8) Claimant is a 44-year-old woman whose birth date is [REDACTED]. Claimant is 5'8" tall and weighs 2030 pounds. Claimant is a high school graduate. Claimant is able to read and write and does have basic math skills.

(9) Claimant last worked 2003 as a hi-lo driver. Claimant has also worked in janitorial service, a security guard and making steel drums.

(10) Claimant received \$ [REDACTED] from workers compensation in a settlement from [REDACTED] from a injury at work.

(11) Claimant alleges as disabling impairments: chronic pulmonary insufficiency, diabetes mellitus, arthritis, hip problems, restless leg syndrome, neuropathy, hypertension, asthma, depression and hip dysplasia.

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 a SHRT determination it is not necessary for the Administrative Law Judge to discuss the issue of disability per PAM, 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 on the Medical Assistance Program as of April 2009.

Accordingly, the department's decision is REVERSED. The department is ORDERED to initiate a review of the July 29, 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 the determination in writing.

The department is also ORDERED to conduct a medical review in March 2013. At review the following documents need to be provided: DHS-49 b, f, g; DHS-49 d and e; all hospital and treating source notes and test results; all consultative examinations including those purchased by the Social Security Administration/Disability Determination Service.

/s/

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

2010-10883/LYL

Date Signed: April 15, 2010

Date Mailed: April 15, 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.

LYL/alc

cc:

