

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: 2010-17405

Issue No: 2009

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

March 9, 2010

Kalamazoo 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, an in-person hearing was held on March 9, 2010. Claimant personally appeared and testified. Claimant was represented at the hearing by [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 July 27, 2009, claimant filed an application for Medical Assistance and Retroactive Medical Assistance benefits to April 2009 alleging disability.

(2) On October 9, 2009, the Medical Review Team denied claimant's application stating that claimant impairments lack duration.

(3) On October 13, 2009, the department caseworker sent claimant notice that his application was denied.

(4) On January 15, 2010, claimant filed a request for a hearing to contest the department's negative action.

(5) On February 12, 2010, the State Hearing Review Team again denied claimant's application stating: The claimant has a history of right coronary artery infarct with stent implantation with two subsequent heart attacks all in the same area because of difficulties getting his [REDACTED] (records from DDS). In July 2009, he was admitted due to bilateral pulmonary emboli and deep vein thrombosis (DVT) right lower extremity (records from DDS). In November 2009 the claimant test revealed decreased air entry. There was no accessory muscle use. The heart revealed regular rate and rhythm without enlargement. There was a normal S1 and loud S2. There was no clubbing or cyanosis present. There was no edema appreciated. Bilateral peripheral pulses were all decreased. Hair growth was absent on the lower extremities. The feet were warm with normal color. Grip and dexterity were intact. Motor strength and tone were normal. Sensory functions and reflexes were intact. He had a normal gait (records from DDS). The claimant was admitted in December 2009 due to chest pain. Myocardial infarction was ruled out. An Adenosine stress nuclear test was negative for active myocardial ischemia and showed the ejection fraction to be 46%. Bilateral femoral vein ultrasound was done to rule out recurrent deep venous thrombosis. The claimant was doing well at discharge (records from DDS). A mental status dated October 2009 was unremarkable. He had a diagnosis of adjustment disorder with mixed emotional features and obsessive compulsive personality features (records

from DDS). The claimant has a history of right coronary artery infarct with stent implantation with two subsequent heart attacks, all in the same are because of difficulties getting his [REDACTED]. In July 2009 he had bilateral pulmonary emboli and DVT in the right lower extremity. In December 2009 he had a negative stress test and his ejection fraction was 46%. His condition was improving and expected to be better controlled now that he was following prescribed treatment. The claimant's impairments do 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 a wide range of light work. In lieu of a detailed work history, the claimant will be returned to other work. Therefore, based on the claimant's Vocational Profile of a younger individual, high school education, and history of unskilled and semi-skilled work, MA-P is denied using Vocational Rule 202.20 as a guide. Retroactive MA-P was considered in this case and was also denied. (pp 108-109, SHRT decision)

(6) The hearing was held on March 9, 2010. At the hearing, claimant waived the time periods and requested to submit additional medical information.

(7) Additional information was submitted and sent to the Stat Hearing Review Team on March 10, 2010.

(8) On March 17, 2010, the State Hearing Review Team approved claimant for Medical Assistance and Retroactive Medical Assistance benefits stating in its' comments: that the claimant was approved for Social Security Disability benefits on February 24, 2010. Therefore, MA-P and Retroactive MA-P is approved effective April 2009. SDA is approved per PEM 261. No medical review is necessary due to the SSA allowance.

(9) Claimant is a 42-year-old man whose birth-date is [REDACTED]. Claimant is 5'6" tall and weighs 225 pounds. Claimant is a high school graduate, has 1 year of college, and 6

months of vocational training and has a CDL class A license and a hazardous material removal classification.

(10) Claimant is able to read and write and does have basic math skills and last worked 2008 as a truck driver. Claimant also worked removing asbestos.

(11) Claimant alleges a disabling impairment: 3 heart attacks, coronary artery disease, 30% heart function, shortness of breath, blood clot in his right hip and pain.

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 Social Security Administration determination, it is not necessary for the Administrative Law Judge to discuss the issue of disability. BEM, 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 that the claimant meets the definition of medically disabled under the Medical Assistance Program as of the July 27, 2009 application date and the Retroactive Medical Assistance application date for the month of April, May and June 2009.

Accordingly, the department's decision is REVERSED. The department is ORDERED to reinstate a review of the July 27, 2009 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. No medical review is necessary due to SSA allowance.

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

Date Signed: April 16, 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.

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