

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

IN THE MATTER OF:

[REDACTED]

Reg. No: 2010-33325
Issue No: 2009
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
July 7, 2010
Van Buren County DHS

ADMINISTRATIVE LAW JUDGE: Landis Y. Lain for Jana Bachman

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 July 7, 2010. Claimant personally appeared and testified. Claimant was represented at the hearing by [REDACTED]

ISSUE

Whether the claimant meets the disability criteria for Medical Assistance (MA-P), 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 August 27, 2009, claimant filed an application for Medical Assistance and Retroactive Medical Assistance benefits alleging disability.
- (2) On January 1, 2010, the Medical Review Team denied claimant's application stating that it was insufficient medical evidence to determine disability.
- (3) On January 23, 2010, the department caseworker sent claimant notice that her application was denied.
- (4) On April 22, 2010, claimant filed a request for a hearing to contest the department's negative action.

- (5) On May 13, 2010, the State Hearing Review Team again determined that it had insufficient evidence to make a determination and requested a complete physical examination.
- (6) The hearing was held on July 7, 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.
- (8) On February 3, 2011, the State Hearing Review Team approved claimant for Medical Assistance and retroactive Medical Assistance benefits stating in its analysis and recommendation: the findings of the MRT and SHRT cannot be affirmed. There is sufficient evidence in the file that the claimant retains the ability to perform no greater than sedentary exertion level of activity. 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 sedentary range of work. However, based upon the claimant's vocational profile of 64 years old, high school education and a history of light unskilled work, MA-P is approved using Vocational Rule 201.04 as a guide. Retroactive MA-P was considered in this case and is approved effective June 2009. SDA was not applied for but would have been approved in accordance with PEM 261. This case needs to be reviewed for continuing benefits in February 2011.
- (9) On the date of hearing claimant was a 64-year-old woman whose birth date is [REDACTED]. Claimant is 5'1" tall and weighs 130 pounds. Claimant completed the 12th grade. Claimant had a limited ability to read and write since her stroke.
- (10) Claimant last worked in May 2009, as a restaurant prep cook. Claimant has also worked at [REDACTED] cleaning and in a factory.
- (11) Claimant alleges as disabling impairments: hypertension, diabetes and a stroke (cerebral vascular accident)

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 the retroactive Medical Assistance program as of the August 27, 2009, application date and the June retroactive Medical Assistance application date.

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

The department should conduct a medical review in February 2011. At that time, the case needs to be reviewed for continuing benefits and the following needs to be provided: prior medical packets; DHS-49, B, D, E, 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 Services.

Landis

/s/

Y. Lain

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

Date Signed: February 15, 2011

Date Mailed: February 16, 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.

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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:

