

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

IN THE MATTER OF THE CLAIM OF:



Reg No.:2010-34462
Issue No.: 2009
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: June 15, 2010
Tuscola 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 the claimant's request for a hearing. After due notice, a telephone hearing was held on June 15, 2010. The claimant appeared and testified.

ISSUE

Whether the claimant meets the disability criteria 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 a material fact:

- (1) On March 17, 2010, claimant filed an application for Medical Assistance and retroactive Medical Assistance benefits alleging disability.
- (2) On April 27, 2010, the Medical Review Team denied claimant's application stating that claimant could perform other work.
- (3) On May 5, 2010, the department caseworker sent claimant notice that his application was denied.
- (4) On May 13, 2010, claimant filed a request for a hearing to contest the department's negative action.

- (5) On May 24, 2010, the State Hearing Review Team again denied claimant's application stating that it had insufficient information and requested in an updated medical records from April 10 through current and a mental status evaluation with a psychiatrist or psychologist.
- (6) A hearing was held on June 15, 2010. At the hearing, claimant waived the time periods and requested to submit additional medical information.
- (7) On June 23, 2010, the department case worker notified the Administrative Law Judge that claimant has been approved for Social Security benefits with a disability onset date of February 17, 2010.
- (8) Claimant is a 47-year-old man whose birth-date is [REDACTED]. Claimant is 5'9" tall and weighs 315 pounds. Claimant is a high school graduate and is able to read and write and does have basic math skills.
- (9) Claimant last worked February 4, 2010, as a medical technician. Claimant has also worked at [REDACTED] doing maintenance and driving a fork lift.

CONCLUSIONS OF LAW

The Medical Assistance (MA) program is established by the 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 (formerly known as the Family Independence Agency) 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 this Administrative Law Judge to discuss the issue of disability. Claimant was approved Social Security Administration benefits in the amount of \$ [REDACTED] per month in RSDI benefits. The department is required to initiate a determination of the claimant's financial eligibility for 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 and retroactive Medical Assistance benefit program as of the March 17, 2010, application date and as of the February 17, 2010, disability onset date as indicated by the Social Security Administration.

Accordingly, the department is ORDERED to reinstate claimant's March 17, 2010, Medical Assistance and retroactive Medical Assistance benefit application and initiate a

review of the 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 ORDERED to conduct a medical review of claimant's application in July 2011. At that time, the department shall determine whether or not claimant is still medically eligible to receive RSDI benefits and if he is, the department shall conduct an appropriate investigation and all other non-medical eligibility criteria. If claimant no longer eligible for RSDI benefits, the department shall conduct a medical review and assist claimant in providing updated medical and psychiatric evaluations.

/s/

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

Date Signed: July 09, 2010

Date Mailed: July 12, 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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