

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: 2010-4177
Issue No: 2009
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
December 10, 2009
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 December 10, 2009. Claimant personally appeared and testified.

ISSUE

Whether 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 as material fact:

(1) On August 19, 2009, claimant filed an application for Medical Assistance and retroactive Medical Assistance benefits alleging disability.

(2) On September 14, 2009, the Medical Review Team denied claimant's application stating that claimant's impairments lacked duration.

(3) On September 16, 2009, the department caseworker sent claimant notice that his application was denied.

(4) On September 28, 2009, claimant filed a request for a hearing to contest the department's negative action.

(5) On November 3, 2009, the State Hearing Review Team denied claimant application stating that it had insufficient information.

(6) The hearing was held on December 10, 2009. 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 January 6, 2010, the State Hearing Review Team approved claimant for Medical Assistance and retroactive Medical Assistance benefits based upon a Vocational Approval of 201.00(H), combination of impairments and stated that MA-P is approved beginning August 2009 and retroactive MA-P is approved beginning May 2009. At the February 2017 medical review the department is to request progress notes and test reports from attending physicians and specialists from the last 12 months to current and contact claimant for the names and addresses, but do not send a DHS-49 form.

(9) Claimant is a 61-year-old man whose birth date is [REDACTED]. Claimant is 5' 11" tall and weighs 170 pounds. Claimant attended the 10th grade and has no GED.

(10) Claimant last worked August 2008 as a welder. Claimant worked for a total of 40 years as a welder.

(11) Claimant alleges as disability impairments: prostate cancer, hypertension, hernia, cancer of the kidney, and right side numbness.

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 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 May 4, 2009 retroactive Medical Assistance application.

Accordingly, the department's decision is REVERSED. The department is ORDERED to initiate a review of the August 19, 2009 application and retroactive 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 that pursuant to the State Hearing Review Team, a medical review will be conducted in February 2017 at which time the department is to request progress notes and test reports from attending physicians and specialists from the last 12 months to current, as well as a residual functional capacity assessment.

/s/

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

Date Signed: January 11, 2010

Date Mailed: January 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.

LYL/vmc

cc:

[REDACTED]