

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:

[REDACTED]

Reg. No.: 201046095
Issue No.: 2009
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: November 8, 2010
Macomb County DHS

ADMINISTRATIVE LAW JUDGE: Aaron McClintic

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 November 8, 2010. The Claimant's Authorized Hearings Representative, [REDACTED] of [REDACTED] appeared at the hearing and testified. [REDACTED], ES appeared on behalf of the Department.

ISSUE

Was the Department correct in processing Claimant's Medicaid application?

FINDINGS OF FACT

The Administrative Law Judge, based upon the competent, material and substantial evidence on the whole record, finds as material fact:

- (1) Claimant applied for Medical Assistance on October 23, 2009 based on disability.
- (2) On February 11, 2010 Claimant's application was denied because the Department determined that he was capable of performing substantial gainful activity.
- (3) Claimant was working 15 hours per week earning \$8.00 per hour.

- (4) Claimant's medical records were never forwarded to the Medical Review Team.
- (5) Claimant requested a hearing on May 4, 2010 and again on August 11, 2010 contesting the denial of Medicaid.

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 (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 Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Program Reference Manual (PRM).

Disability A person is **disabled** when **all** of the following are true: • He has a medically determined physical or mental impairment. • His impairment prevents him from engaging in any substantial gainful activity. • His impairment •• Can be expected to result in death, or •• Has lasted at least 12 consecutive months, or •• Is expected to last at least 12 consecutive months. **Substantial gainful activity** means a person does ALL of the following: • Performs significant duties, and • Does them for a reasonable length of time, and • Does a job normally done for pay or profit. Significant duties are duties used to do a job or run a business. They must also have a degree of economic value. The ability to run a household or take care of oneself does **not**, on its own, constitute substantial gainful activity. (BEM 260).

SDA and MA Only Medical evidence provided by the client will be reviewed by the Medical Review Team (MRT) and a physician. The MRT reviews medical evidence, for disability or blindness, and certifies the client's medical eligibility for assistance. MRT does not accept electronic medical records in the form of CD's or DVD's. Inform providers on the DHS-1555 that paper copies are required. Requests for medical records from the Social Security Administration should include the same information. The local office **must** designate a medical contact person to coordinate the flow of medical information between you and the MRT. Medical evidence provided by the client at the appeals level will be reviewed by the State Hearings Review Team (SHRT), composed of a medical consultant and SHRT examiner. The SHRT reviews medical evidence, for disability or blindness, and certifies favorable decisions regarding the client's medical eligibility for assistance. (BAM 815).


In the present case, the Department worker asserted that Claimant was engaged in substantial gainful activity and denied his application on this basis. Claimant was working part time 15 hours per week. This is not a determination that is supposed to be made by a Department case worker. (BAM 815). Therefore, the Department's denial of Claimant's MA application for engaging in substantial gainful activity and the

201046095/AM

Department's failure to submit medical records to the Medical Review Team was improper and incorrect.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law decides that the Department was incorrect in the denial of Claimant's MA application, and it is ORDERED that the Department's decision in this regard, be, and is hereby REVERSED. Claimant's MA application shall be reinstated and reprocessed going back to the date of application. Claimant's medical records shall be sent to the Medical Review Team.



Aaron McClintic
Administrative Law Judge
For Ismael Ahmed, Director
Department of Human Services

Date Signed: November 12, 2010

Date Mailed: November 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 60 days of the filing of the original request.

The Claimant may appeal the Decision and Order to Circuit Court within 30 days of the receipt 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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