

STATE OF MICHIGAN
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:



Reg. No: 201049983
Issue No: 2009
Case No: [REDACTED]
Hearing Date
September 28, 2010
Ingham 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 September 28, 2010. Claimant personally appeared and testified. Claimant was represented at the hearing by [REDACTED].

This hearing was originally held by Administrative Law Judge Ivona Rairigh. Judge Rairigh is no longer affiliated with the Michigan Administrative Hearing System Administrative Hearings for the Department of Human Services and this hearing decision was completed by Administrative Law Judge Landis Y. Lain by considering the entire record.

ISSUE

Did the Department of Human Services (the department) properly deny claimant's application for Medical Assistance (MA-P) and retroactive Medical Assistance (retroactive 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 December 28, 2009, claimant filed an application for Medical Assistance and retroactive Medical Assistance benefits alleging disability.
2. On May 28, 2010, the Medical Review Team denied claimant's application stating that claimant could perform other work pursuant to Medical Vocational Rule 202.14.
3. On June 2, 2010, the department caseworker sent claimant notice that his application was denied.

4. On August 17, 2010, claimant filed a request for hearing to contest the department's negative action.
5. On August 31, 2010, the State Hearing Review Team again denied claimant's application stating that claimant is capable of performing other work in the form of light work per 20 CFR 416.967(b) and unskilled work per 20 CFR 416.968(a) pursuant to Medical Vocational Rule 202.14.
6. On the date of hearing, claimant was a 54-year old man whose date of birth is [REDACTED]. Claimant was 6' tall and weighed 210 pounds. Claimant completed the 12th grade, is able to read and write and does have basic math skills.
7. Claimant last worked in 2007 as a surgery scheduler. Claimant has also worked as a certified nursing assistant.
8. Claimant alleges as disabling impairments: heart attack, neck pain, depression, anxiety, panic attacks, shortness of breath, coronary artery disease.

CONCLUSIONS OF LAW

The regulations governing the hearing and appeal process for applicants and recipients of public assistance in Michigan are found in the Michigan Administrative Code, MAC R 400.901-400.951. An opportunity for a hearing shall be granted to an applicant who requests a hearing because his or her claim for assistance has been denied. MAC R 400.903(1). Clients have the right to contest a department decision affecting eligibility or benefit levels whenever it is believed that the decision is incorrect. The department will provide an administrative hearing to review the decision and determine the appropriateness of that decision. BAM 600.

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

On May 27, 2011, the Social Security Administration issued a fully favorable decision for claimant and determined that claimant is eligible to receive and stated in its conclusions that based on the application for a period of disability and disability insurance benefits filed on November 23, 2009, the claimant was disabled under sections 216(i) and 223(d) of the Social Security Act, beginning on October 2, 2009 and ending on January 3, 2011.

This Administrative Law Judge is bound by the Social Security Administration determination and it is not necessary for this Administrative Law Judge to discuss the issue of disability. PEM 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 December 28, 2009 application date and to include the retroactive Medical Assistance months of October and November 2009.

Accordingly, the department's decision is REVERSED. The department is ORDERED to initiate a review of the December 28, 2009 application 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.

Since the Social Security Administration has determined that claimant's Medical Assistance eligibility ends January 3, 2011 with the end of his disability pursuant to 20 CFR 404.1591, claimant will only be eligible for a closed period of time from October 2009 through January 2011 and there is no need for a medical review in 2012.

/S/

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

Date Signed: June 17, 2011

Date Mailed: June 17, 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.

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.