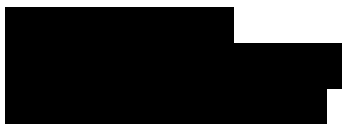


STATE OF MICHIGAN
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:



Reg. No: 2010-51728
Issue No: 2009
Case No: [REDACTED]
Hearing Date: October 7, 2010
Iosco County DHS

ADMINISTRATIVE LAW JUDGE: Landis Y. Lain for Ivona Rairigh

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 October 7, 2010. Claimant personally appeared and testified.

This hearing was originally held by Administrative Law Judge Ivona Rairigh. Ivona Rairigh is no longer affiliated with the Michigan Administrative Hearing System Administrative Hearings for the Department of Human Services. 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 review application for Medical Assistance (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) Claimant was a Medical Assistance benefit.
- (2) Claimant's case was scheduled for medical review on February 28, 2010.
- (3) On July 22, 2010, the Medical Review Team denied claimant's continued application stating that claimant had medical improvement.

- (4) On August 9, 2010, the department caseworker sent claimant notice that her application was denied because the department had found her no longer disabled.
- (5) On August 16, 2010, claimant filed a request for a hearing to contest the department's negative action.
- (6) On September 10, 2010, the State Hearing Review Team again denied claimant's review application stating in its' analysis and recommended decision: there was no objective medical evidence of a significant disabling physical and mental impairment that would preclude basic work activity. The medical evidence of record does not document a mental/physical impairment that significantly limits the claimant's ability to perform basic work activities. Therefore, MA-P is denied per 20 CFR 416.921(a).
- (7) The hearing was held on October 7, 2010. At the hearing, claimant waived the time periods and requested to submit additional medical information.
- (8) Additional medical information was received and sent to the State Hearing Review Team on October 28, 2010.
- (9) On November 1, 2010, the State Hearing Review Team again denied claimant's application stating in its' analysis and recommendation: the claimant had a stress test in January 2010 which showed no evidence of ischemia on the EKG, but there was a defect at the apex on the myoview. Ejection fraction was 56%. A cardiac catheterization in March 2010 showed essentially normal coronary arteries. Her examination in April 2010 was basically within normal limits (pp. 16-17). In February 2010 she had mild abdominal tenderness and tenderness in her lower back. Gait was normal and there were no focal neurological deficits (p. 53). The claimant has had medical improvement. The claimant's impairment's do not meet/equal the intent or severity of a Social Security listing. The medical evidence of record indicates that the claimant retains the capacity to perform a wide range of medium work. In lieu of detailed work history, the claimant will be returned to other work. Therefore, based on the claimant's vocational profile of advanced age, 12th grade education and a history of unskilled work, MA-P is denied using Vocational Rule 203.14 as a guide.
- (10) On the date of hearing claimant was a 55-year-old woman whose birth date is [REDACTED]. Claimant is 5'4" tall and weighs 182 pounds. Claimant is a high school graduate and was a certified medical assistant and nurse's aide. Claimant is able to read and write and does have basic math skills.

- (11) Claimant last worked in 2008 in a Nursing home. Claimant has also worked at [REDACTED] and at [REDACTED]
- (12) Claimant alleges as disabling impairments: severe pain, reflex sympathetic dystrophy, and arthritis of her left knee, hands, neck and back.
- (13) On June 1, 2011, the Social Security Administration approved claimant for RSDI with a disability onset date of November 15, 2006.

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

Because of the Social Security Administration determination it is not necessary for the 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 February 28, 2010, medical review date, because the Social Security Administration has stated that claimant has a disability onset date of November 15, 2006.

Accordingly, the department's decision is REVERSED. The department is ORDERED to initiate a review of the February 28, 2010, medical review 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. A medical review

