

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

IN THE MATTER OF:



Reg. No.: 2010-54429
Issue No.: 2009
Case No.: [REDACTED]
Hearing Date: February 14, 2011
DHS County: Wayne (82-82)

ADMINISTRATIVE LAW JUDGE: Colleen M. Mamelka

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 hearing was held in Detroit, Michigan, on Monday, February 14, 2011. The Claimant appeared and testified. The Claimant was represented by [REDACTED] [REDACTED] appeared on behalf of the Department of Human Services ("Department").

During the hearing, the Claimant waived the time period for the issuance of this decision in order to allow for the submission of additional medical records. The evidence was received, reviewed, and forwarded to the State Hearing Review Team ("SHRT") for consideration. On June 21, 2011, the SHRT found the Claimant disabled. This matter is now before the undersigned for a final decision.

ISSUE

Whether the Department properly determined that the Claimant was not disabled for purposes of the Medical Assistance ("MA-P") benefit program?

FINDINGS OF FACT

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

1. The Claimant submitted an application for public assistance seeking MA-P benefits on August 4, 2010.
2. On August 12, 2010, the Medical Review Team ("MRT") found the Claimant not disabled. (Exhibit 1, pp. 1, 2)

3. On August 18th, the Department notified the Claimant of the MRT determination.
4. On September 7, 2010, the Department received the Claimant's timely written request for hearing. (Exhibit 3)
5. On September 23, 2010, the SHRT found the Claimant not disabled. (Exhibit 4)
6. The Claimant alleged physical disabling impairments due to leg pain, shortness of breath, chest pain, coronary artery disease, high blood pressure, and kidney disease.
7. The Claimant has not alleged any mental disabling impairment(s).
8. At the time of hearing, the Claimant was 46 years old with an [REDACTED], date of birth; was 5'11" in height; and weighed 185 pounds.
9. The Claimant has a limited education with an employment history in construction and in a lumbar yard which included driving a hi-lo.
10. The Claimant's impairments have lasted, or are expected to last, continuously for a period of 12 months or longer.
11. On June 21, 2011, the SHRT found the Claimant disabled.

CONCLUSIONS OF LAW

MA-P is established by Subchapter XIX of Chapter 7 of The Public Health & Welfare Act, 42 USC 1397, and is administered by the Department, formerly known as the Family Independence Agency, 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 Bridges Reference Manual ("RFT").

Because of the SHRT determination, it is not necessary for the Administrative Law Judge to discuss the issue of disability pursuant to PAM 600. Accordingly, the Department is required to initiate a determination of the Claimant's financial eligibility for the requested benefits, if not previously completed.

DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law, finds that the Claimant meets the definition of medically disabled under the MA-P program.

Accordingly, it is Ordered:

1. The Department's determination is REVERSED.
2. The Department shall process the August 4, 2010, application (if not previously completed) to determine if all other non-medical criteria are met and inform the Claimant and his Authorized Representative of the determination.
3. The Department shall supplement for any lost benefits (if any) that the Claimant was entitled to receive if otherwise eligible and qualified in accordance with Department policy.

Colleen M. Mamelka

Colleen M. Mamelka
Administrative Law Judge
For Maura Corrigan, Director
Department of Human Services

Date Signed: June 28, 2011

Date Mailed: June 30, 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.

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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.

CMM/pf

cc:

