

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

IN THE MATTER OF:

[REDACTED]

Reg. No: 2011-22833  
Issue No: 2006  
Case No: [REDACTED]  
Hearing Date: June 9, 2011  
Genesee County DHS (2)

ADMINISTRATIVE LAW JUDGE: Suzanne L. Morris

**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 June 9, 2011. The claimant did not appear, but was represented by [REDACTED]

**ISSUE**

Did the department properly deny the claimant's Medical Assistance (MA) application for failure to provide the required information?

**FINDINGS OF FACT**

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

1. The claimant's representative submitted an application for MA and retro MA on July 29, 2009. (Department Exhibit 3; Claimant Exhibit A – E)
2. On January 6, 2010, the department sent the claimant/representative a Verification Check list (DHS-3503), requiring submission of a driver's license, social security card, verification of income and a completed DHS-49 (Medical Examination Report). (Department Exhibit 4 – 7)
3. The department denied the application on November 22, 2010 for failure to provide the required verifications. (Department Exhibit 1)
4. The claimant's representative submitted a hearing request on February 18, 2011.

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

Department policy states:

### **Medical Determination Forms**

The following are department medical report forms:

DHS-49 • The Medical Examination Report is used to obtain information from a general physical examination unless equivalent information is available in some other form. **Specialist exams, diagnostic exams, x-rays and special laboratory tests require prior approval by the MRT.** BAM 815.

### **MRT/SRT Referrals**

A client **not** eligible for RSDI based on disability or blindness must provide evidence of his disability or blindness.

Do **all** of the following to make a referral to the MRT/SRT:

- Obtain evidence of the impairment (e.g., DHS-49, DHS-49-D or equivalent medical evidence/documentation).
- Complete an DHS-49-B, Social Summary.
- Obtain an DHS-49-F, Medical-Social Questionnaire, completed by the client.
- Obtain **optional** form DHS-49-G, Activities of Daily Living, completed by the client.
- Forward the medical evidence, DHS-49-B, DHS-49-F and DHS-49-G (optional) to the
  - MRT, for claims of disability, **or**

- SRT, for claims of blindness. BEM 260.

In this case, the claimant's representative is disputing the department's denial of the MA and retro MA application submitted on July 29, 2009. The department denied the application on November 22, 2010 for failure to provide the required verifications.

The department testified that the claimant/representative did not submit a completed Medical Examination Report (DHS-49) to the department. The claimant's representative testified that medical records were submitted by the representative in place of the DHS-49, which would have allowed the Medical Review Team (MRT) to make a disability determination. The department did confirm that they had received medical records from the claimant/representative.

In fact, on February 16, 2010, [REDACTED] faxed the driver's license, birth certificate, social security card and income verification. [REDACTED] also pointed out in this fax that the client did not have a medical doctor to complete the DHS-49 and requested the department to submit the previously provided medical records to MRT to make a determination.

As noted above, department policy does allow for the submission of medical records in place of a DHS-49. As the department does not dispute that they timely received medical records, these should have been forwarded to the MRT for a disability eligibility determination.

### **DECISION AND ORDER**

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department did not properly process the claimant's MA/retro MA application of July 29, 2009.

Accordingly, the department's actions are REVERSED. The department shall process the claimant's July 29, 2009 MA/retro MA application. It is SO ORDERED.

Suzanne

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/s/  
L. Morris  
Administrative Law Judge  
for Maura D. Corrigan, Director  
Department of Human Services

Date Signed: July 6, 2011

Date Mailed: July 6, 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.

SM/alc

cc:

