

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

[REDACTED]
[REDACTED]
[REDACTED]

Reg. No: 2011-6403

Issue No: 2009

Case No: [REDACTED]

Hearing Date

March 16, 2011

Clinton 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 March 16, 2011. Claimant was represented at the hearing by [REDACTED]
[REDACTED]

This hearing was originally held by Administrative Law Judge Jay Sexton. Jay Sexton 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 application for Medical Assistance (MA-P) and retroactive Medical Assistance?

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 June 28, 2010, claimant filed an application for Medical Assistance and retroactive Medical Assistance benefits alleging disability.
- (2) On August 12, 2010, the Medical Review Team denied claimant's application stating that claimant could perform other work pursuant to Medical Vocational Rule 202.11.
- (3) On August 17, 2010, the department caseworker sent claimant notice that his application was denied.

- (4) On November 9, 2010, [REDACTED] filed a request for a hearing to contest the department's negative action.
- (5) On December 1, 2010, the State Hearing Review Team again denied claimant's application stating in its analysis and recommendation: the claimant had a history of a pacemaker for bradycardia. He was admitted in April 2010 and was found to be in atrial fibrillation. However, he reverted back to normal sinus rhythm spontaneously. In June 2010, his examination revealed decreased breath sounds bilaterally but was otherwise unremarkable. The claimant's impairments 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 light work. In lieu of detailed work history, the claimant will be returned to other work. Therefore, based on the claimant's vocational profile of closely approaching advanced age, limited education, and history of unskilled work, MA-P is denied using Vocational Rule 202.10 as a guide. Retroactive MA-P was considered in this case and is also denied.
- (6) The hearing was held on March 16, 2011. At the hearing, claimant waived the time periods and requested additional medical information.
- (7) Additional medical information was submitted and sent to the State Hearing Review Team on August 17, 2011.
- (8) On September 23, 2011, the State Hearing Review Team again denied claimant's application stating in its analysis and recommended decision: The objective medical evidence supports the MRT and SHRT determination. The claimant's breathing was within normal limits. He was able to maintain weight. He had limited range of motion of lumbar but was neurologically intact (Page 72 to 77). There is no evidence of severe mental or physical condition. The claimant's impairments 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 light work. Therefore, based on the claimant's vocational profile of individual approaching advanced age, 10th grade education, and unskilled work history, MA-P is denied using Vocational Rule 202.10 as a guide. Retroactive MA-P was considered in this case and is also denied.
- (9) On September 28, 2011, this Administrative Law Judge received an SOLQ and a Social Security Administration Supplemental Security Income (SSI) Notice of Award which indicated that claimant received a fully favorable SSI decision on August 26, 2011 with a disability onset date of April 25, 2010.

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 Program Administrative Manual (BAM), the Program 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. BEM, Item 260.

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 date of SSI entitlement.

Accordingly, the department's decision is REVERSED.

The department is ORDERED to open ongoing Medical Assistance case for claimant effective the month of SSI entitlement.



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

Date Signed: September 28, 2011

Date Mailed: September 29, 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.

2011-6403/LYL

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.

LYL/tg

cc:

