

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

IN THE MATTER OF:



Reg. No: 2011-8519
Issue No: 2009
Case No: [REDACTED]
Hearing Date: March 2, 2011
Ingham County DHS

ADMINISTRATIVE LAW JUDGE: Landis Y. Lain for Jay W. Sexton

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 2, 2011. Claimant personally appeared and testified. Claimant was represented at the hearing by [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)?

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 September 15, 2010, the Medical Review Team denied claimant's application stating that claimant could perform other work pursuant to Medical Vocational Rule 202.17 and stated that claimant should not work at unprotected heights or around dangerous moving machinery.

- (3) On September 15, 2010, the department caseworker sent claimant notice that her application was denied.
- (4) On November 29, 2010, claimant's representative filed a request for a hearing to contest the department's negative action.
- (5) On December 15, 2010, the State Hearing Review Team again denied claimant's application stating in its' analysis and recommendation: the claimant has a history of substance abuse. She reports hearing voices and being worried that someone was watching her from outside the window. She reported similar symptoms in June 2009 during a psychiatric admission. At that time, they felt her psychotic symptoms were very obviously manufactured. She tested positive for cocaine in June 2010. Her physical findings were unremarkable. Public Law 104-121 is cited due to the materiality of drug and alcohol abuse. 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 simple unskilled work. In lieu of detailed work history, the claimant will be returned to other work. Therefore, based on the claimant's vocational profile of a younger individual, limited education and a history of unskilled and semiskilled work, MA-P is denied using Vocational Rule 204.00(H) as a guide. Retroactive MA-P was considered in this case and is also denied.
- (6) The hearing was held on March 2, 2011. At the hearing, claimant waived the time periods and requested to submit additional medical information.
- (7) Additional medical information was submitted and sent to the State Hearing Review Team on March 8, 2011.
- (8) On March 23, 2011, the State Hearing Review Team approved claimant for Medical Assistance and retroactive Medical Assistance benefits stating in its' analysis and recommendation: the objective medical evidence does not support the findings of an MRT and SHRT. Drug and alcohol abuse are not material but involved in this case. The psychiatric medical opinion cannot be refuted by the evidence in the file. The claimant does not meet/equal any listing level criteria but likewise did not retain the ability to perform simple and repetitive tasks, compounded by eroded residual physical abilities. The claimant's impairment's do not meet/equal the intent or severity of an appropriate Social Security listing. The medical evidence of record indicates that the claimant retains the capacity to perform a light exertional range of work. The claimant does not retain the ability to perform even simple and repetitive tasks. However, based on the claimant's vocational profile of 45 years old, high school equivalent education and a history of self-employment, MA-P is approved using Vocational Rule 201.00 as a guide. Retroactive MA-P was considered in

this case and is approved effective March 2010. SDA was not applied for by the claimant but would have been approved in accordance with PEM 261. This case needs to be reviewed for continuing MA-P benefits in March 2012.

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 SHRT determination it is not necessary for the Administrative Law Judge to discuss the issue of disability per BAM, Item 600. The department is required to initiate a determination of the claimant's financial eligibility for the requested benefits if not previously done. Claimant alleges as disabling impairment's: anxiety, depression, bi-polar with a history of psychotic features, suicide attempts, hearing voices, chest pain, foot pain, leg pain, syncope, and memory problems as well as Class C III heart failure and multiple substance abuse problems.

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 March 2010 per the State Hearing Review Team's March 23, 2011, decision.

Accordingly, the department's decision is REVERSED. The department is ORDERED to initiate a review of the June 28, 2010, Medical Assistance 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 a determination in writing.

The department is ORDERED to conduct a medical review of claimant's case in March 2012. At review, the department needs to assist claimant in providing the following: medical packet, DHS-49B, D, E, F, G; all hospital and treating source notes and test

results; all consultative examinations including those purchased by the Social Security Administration/Disability Determination Service.

Landis

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

Date Signed: August 18, 2011

Date Mailed: August 18, 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.

LYL/alc

cc:

