

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

IN THE MATTER OF:



Reg. No: 2011-21403  
Issue No: 2009  
Case No: [REDACTED]  
Hearing Date: June 9, 2011  
Genesee County DHS (5)

**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 June 9, 2011. Claimant personally appeared and testified.

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 (retro 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 September 8, 2010, claimant filed an application for Medical Assistance and retroactive Medical Assistance benefits alleging disability.
- (2) On November 3, 2010, the Medical Review Team denied claimant's application stating that claimant could perform prior work.
- (3) On November 16, 2010, the department caseworker sent claimant notice that her application was denied.

- (4) On January 27, 2011, claimant filed a request for a hearing to contest the department's negative action.
- (5) On March 11, 2011, the State Hearing Review Team again denied claimant's application.
- (6) On the date of hearing claimant was a 57-year-old woman whose birth date is [REDACTED]. Claimant is 5'4" tall and weighed 159 pounds.
- (7) Claimant alleges as disabling impairments: osteoarthritis, bilateral knee pain, walks with the use of a cane, patellar effusion on both knees, painful crepitation noted in both knees, chronic pain, severe degenerative joint disease, rheumatoid arthritis, hypertension, crepitation of range of motion, bone spur on the left foot and obesity.
- (8) On July 2, 2011, the Social Security Administration determined that claimant was disabled with a disability onset date of June 15, 2010, and granted claimant retirement survivors and disability insurance (RSDI).

### **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. BEM, 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 September 8, 2010, application date and for the 3 months retroactive Medical Assistance application dates of June, July and August of 2010.

Accordingly, the department's decision is REVERSED. The department is ORDERED to initiate a review of the September 8, 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 the determination in writing. The department shall conduct a medical review in July 2012.

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

Date Signed: August 23, 2011

Date Mailed: August 23, 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

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