

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2011-8159
Issue No.: 2009
Case No.: [REDACTED]
Hearing Date: April 19, 2011
Calhoun County DHS

ADMINISTRATIVE LAW JUDGE: Carmen G. Fahie

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9; MSA 16.409 and MCL 400.37; MSA 16.437 upon claimant's November 17, 2010 request for a hearing to protest the department's denial of Medical Assistance (MA-P) and retroactive MA-P. After due notice, an in-person hearing was held Tuesday, April 19, 2011. The claimant personally appeared and testified on his own behalf with his with his authorized representative, [REDACTED]

ISSUE

Whether the claimant meets the disability criteria for MA-P and retroactive MA-P?

FINDINGS OF FACT

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

1. On May 13, 2010, the claimant applied for MA-P and retroactive MA-P to March 2010.
2. At the conclusion of the hearing, the record was held open at claimant's request for the submission of additional medical records. Medical records were received and submitted to the State Hearing Review Team (SHRT). SHRT approved claimant's claim of disability on November 29, 2011.

The claimant is alleges disability due to two heart stents, COPD, diabetes with back and knee problems. He is 49 years old and has a limited education with a history of workings a forklift driver.

The claimant was approved for benefits with the Disability Determination Service effective January 1, 2011. Therefore, MA-P/Retroactive MA-P is approved to January 1, 2011. The medical evidence on record indicates that the claimant retained the capacity to perform a wide range of unskilled, light work. At the medical review in November 2012, please check to see if the claimant is in current payment status or not. If not in current payment status, then a medical review is required.

3. This Administrative Law Judge finds that the claimant met criteria for disability based on the objective medical evidence of the record retroactive to March 2010.

CONCLUSIONS OF LAW

The Medical Assistance (MA) program is established by the 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 (formerly known as the Family Independence Agency) 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 Program Administrative Manual, Item 600.

The department is required to initiate a determination of claimant's financial eligibility for the requested benefits, if not previously done. The claimant is eligible for MA-P retroactive to March 2010 with a medical review required November 2012 if the claimant is not in current payment status.

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 retroactive to March 2010 with a medical review required November 2012 if the claimant is not in current payment status.

Accordingly, the department is ORDERED to initiate a review of the March 13, 2010 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.



Carmen G. Fahie
Administrative Law Judge
For Maura D. Corrigan, Director
Department of Human Services

Date Signed: January 9, 2012

Date Mailed: January 9, 2012

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.

CGF/ hw

cc:

