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

IN THE MATTER OF:

[redacted]

Reg. No: 201153706
Issue No: 2009
Case No: [redacted]
Hearing Date: November 27, 2012
Jackson 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 to protest the denial of claimant's application for MA. After due notice, an in-person hearing was held on November 27, 2012. Claimant personally appeared and testified. Claimant was represented by [redacted]

ISSUE

Did the Department of Human Services (the department) properly deny the 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 December 3, 2010, claimant filed an application for Medical Assistance and retroactive Medical Assistance benefits alleging disability.

2. On April 20, 2011, the Medical Review Team denied claimant's application stating that claimant's impairments lacked duration.

3. On May 17, 2011, the department caseworker sent claimant notice that her application was denied.

4. On August 18, 2011, claimant filed a request for a hearing to contest the department's negative action.

5. On August 29, 2012, the State Hearing Review Team again denied claimant's application stating in its analysis and recommendations:

> The claimant was admitted in J anuary 2011 for chest pain and epigas tric pain. A previous stress test revealed inferior septum reversible def ect and thinning of the lateral wall with preserved ejection fraction. Serial troponins and EKGs were done and showed no changes. Primary diagnoses were chest pain and epigastric pain, SCS rules out. Physical examination showed she was slightly obese, but was otherwise unremarkable. The m edical ev idence of record does not document a mental/ physical impairment that significantly limits the claimant's ability to perform basic work activities. Therefore, MA-P is denied per 20 CFR 416.921(a). Retroactive MA-P was considered in this case and was also denied.

6. The hearing was held on November 27, 2012. At the hearing, claimant waived the time periods and request ed to submit additional medical information.

7. Additional medical information wa s submitted and sent to the State Hearing Review Team on November 28, 2012.

8. On December 18, 2012, the State Hearing Re view Team approved claimant stating in its recommendation:

> Claimant has a histor y of obes ity, coronary artery disease with stents, chest pain (non-ca rdiac), chronic obstructive pulmonary disease, hypert ension and depression. The medical ev idence does not indi cate claimant has s evere limitations resulting from me ntal impair ments. However, considering the history of impa irments, the combination of cardiac and pulmonary conditions in addition to morbid obesity, and the medial opinion in file, cl aimant is restricted to light work. The claimant is not currently engaging in substantial gainful ac tivity (SGA) based on the information that is available in the file. The claimant's impairments do not meet/equal the intent or severity of a Social Security listing. The medic al evidenc e of record indicates that the claimant retains the capacity to perform a wide range of light work. Claimant's past work was performed at the medium exertional level. Therefore, s he is unable to perform her past work. Based on the claimant's vocational profile, MA-P is approved using Voc ational Rule 202.06 as a guide . Retroactive MA-P was considered in this case and is approved effective November 2010.

9. Claimant is a 57-year-old woman whose date of birth is [redacted]. Claimant is 5'4" tall and weighs 210 pounds. Claimant is a high school graduate and is able to read and write and does have basic math skills.

10. Claimant has worked as a machine operator and sorting parts.

11. Claimant alleges as disabling impairments: angina, kidney stones, knee pain, back pain, cellulitis, coronary artery disease, chronic obstructive pulmonary disease, asthma, shoulder problems, back problems, chest pain, depression and anxiety.

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 (PAM), the Program Eligibility Manual (PEM) 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 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 December 3, 2010 application date and for the month of December 201.

Accordingly, the department is ORDERED to initiate a review of the application if it is 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.

A medical review should be scheduled for January 2014. The department should check to see if claimant is in current payment status or not. If the claimant is in current payment status at the medical review no further action will be necessary. However, if the claimant is not in current payment status at the medical review, the department is to obtain updated application forms (DHS49) and obtain updated medical records.

It is ORDERED that t he department shall review this case in one year from the date of this Decision and Order.

/s/

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

Date Signed: January 8, 2013
Date Mailed: January 8, 2013

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 reconsider ation on the Department's motion where the final decisi on cannot be implement ed 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 receipt of the Decis ion and Order or, if a timely request for r ehearing was made, within 30 days of the receipt date of the rehearing decision.

Claimant may request a rehearing or reconsideration for the following reasons:

- A rehearing **MAY** be granted if there is newly di scovered evidence th at co uld affect the outcome of the original hearing decision.
- A reconsideration **MAY** be granted for any of the following reasons:

  - misapplication of manual policy or law in the hearing decision,
  - typographical errors, math ematical error, or ot her ob vious errors in the hea ring deci sion th at effect the substantial rights of the claimant:
  - the failure of the ALJ to address other relevant issues in the hearing decision.

Request must be submitted through the local DHS office or directly to MAHS by mail at

Michigan Administrative Hearings
Reconsideration/Rehearing Request
P. O. Box 30639
Lansing, Michigan 48909-07322

LYL/db

cc: [redacted]