

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

IN THE MATTER OF:

[REDACTED]

Reg. No: 2012-71251
Issue No: 2009
Case No: [REDACTED]
Hearing Date: December 4, 2012
Wayne-35 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, a telephone hearing was held on December 4, 2012. Claimant personally appeared and testified.

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 January 17, 2012, claimant filed an application for Medical Assistance benefits alleging disability.
2. On July 13, 2012, the Medical Review Team denied claimant's application stating that claimant could perform prior work.
3. On July 27, 2012, the department caseworker sent claimant notice that his application was denied.
4. On August 20, 2012, claimant filed a request for a hearing to contest the department's negative action.
5. On October 5, 2012, the State Hearing Review Team again denied claimant's application stating in its analysis and recommendation: the medical evidence of record supports that the claimant has severe physical

impairments that would reasonably limit the claimant to performing light exertional tasks. The claimant is not currently engaging in substantial gainful activity based on the information that is available in file. The claimant's impairments/combination of impairments does not meet/equal the intent or severity of a Social Security Administration listing. The medical evidence of record indicates that the claimant retains the capacity to perform light exertional tasks. The claimant's past work was as a general manager. Therefore, the claimant retains the capacity to perform their past relevant work. MA-P is denied per 20CFR416.920(e&f). Retroactive MA-P was considered in this case and is also denied. SDA was not applied for by the claimant, but would have been denied per BEM 261 due to the capacity to perform past relevant work. Listings 1.02, 4.04 and 14.09 were considered in this determination.

6. The hearing was held on December 4, 2012. 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 December 5, 2012.
8. On January 23, 2013, the State Hearing Review Team approved claimant stating in its analysis and recommendation: the newly presented medical evidence supports that the claimant's physical condition is of a severe nature that would prevent the performance of gainful activities. There is, however, a continued lack of documentation related to observed physical abilities which does not allow a finding of meeting listing level criteria. The claimant is not currently engaging in substantial gainful activity based on the information that is available in file. The medical evidence sufficiently demonstrates that the intent and severity of listings 1.02 & 14.09 are equaled. MA-P is approved. Retroactive MA-P was considered in this case and is approved effective October, 2011. SDA was not applied for by the claimant but would have been approved per BEM 261. This case needs to be reviewed to determine continuing MA-P benefits in February, 2015.
9. Claimant is a 63-year-old man whose birth date is [REDACTED]. Claimant is 5'11" tall and weighs 165 pounds. Claimant has a Bachelor's Degree in Engineering. Claimant is able to read and write and does have basic math skills.
10. Claimant last worked in 2009 in [REDACTED] as an Engineering Telecommunication office worker for 35 years.
11. Claimant alleges as disabling impairments: arthritis, degenerative joint disease, degenerative disc disease, carotids, coronary artery disease,

myocardial infarction, hypertension, dyslipidemia, liver dysfunction, gallbladder, hyponatremia and rheumatoid arthritis.

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 and non-financial eligibility for the requested benefits, if not previously done. Claimant testified on the record that he has never worked in the United States and is not eligible to apply for Social Security benefits. Claimant testified that he worked for 35 years in [REDACTED]. Claimant's categorical eligibility for medical assistance needs to be determined.

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 October, 2011 retroactive Medical Assistance application date and as of the January 17, 2012 Medical Assistance application date.

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 February, 2015. At review the following needs to be provided: prior medical packets, DHS 49, B, F, G; all hospital and treating source notes and test results; all consultative examinations, including those purchased by the SSA/Disability Determination Service. Listings 1.02/04, 2.02, 4.04, 5.05, 6.02, 11.14 and 14.09 were considered in this determination. 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 the 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 30, 2013

Date Mailed: January 30, 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 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 receipt 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.

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

- A rehearing **MAY** be granted if there is newly discovered evidence that could 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, mathematical error, or other obvious errors in the hearing decision that 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

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cc:

