

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

IN THE MATTER OF:

[REDACTED]

Reg. No: 2013-44204
Issue No: 2009
Case No: [REDACTED]
Hearing Date: October 22, 2013
Bay County DHS

ADMINISTRATIVE LAW JUDGE: Landis Y. Lain

HEARING DECISION

Following Claimant's request for a hearing, this matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and 400.37; 42 CFR 431.200 to 431.250; and 45 CFR 205.10. After due notice, an in-person hearing was held on October 22, 2013, from Essexville, Michigan. Participants on behalf of Claimant included Claimant and authorized hearings representative [REDACTED] from [REDACTED]. Participants on behalf of the Department of Human Services (Department) included [REDACTED], Family Independence Manager.

ISSUE

Whether Claimant meets the disability criteria 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 8, 2013, Claimant filed an application for Medical Assistance (MA-P) and retroactive Medical Assistance benefits alleging disability.
2. On March 12, 2013, the Medical Review Team denied Claimant's application stating that Claimant could perform other work.
3. On March 14, 2013, the Department case worker sent Claimant notice that his application was denied.
4. On May 2, 2013, Claimant filed a request for a hearing to contest the Department's negative action.
5. On July 22, 2013, the State Hearing Review Team again denied Claimant's application.

6. On October 22, 2013, the hearing was held. At the hearing, Claimant waived the time periods and requested to submit additional medical information.
7. On October 23, 2013, additional medical information was submitted and sent to the State Hearing Review Team.
8. On December 11, 2013, the State Hearing Review Team approved Claimant's application for medical assistance stating in its recommendation: based on the Claimant's vocational profile of 54 years old, a less than high school education and a history of less than gainful employment, MA-P is approved using medical vocational rule 201.09 as a guide. Retroactive MA-P was considered in this case and is approved effective October 2012. SDA was not applied for by the Claimant but would have been approved in accordance with PEM 261.

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 from the January 8, 2013 application date and is also determined to be medically disabled for the months of October, November and December 2012 in accordance with the state hearing review team decision.

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 December 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 (DHS-49) and obtain updated medical records. At review, the following needs to be provided: prior medical packet; DHS-49, -B, -D, -E, -F, -

G; all hospital and treating source notes and test results; all consultative examinations, including those purchased by the SSA/disability determination service.

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: December 20, 2013

Date Mailed: December 26, 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.

LYL/tb

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