

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

IN THE MATTER OF:

[REDACTED]
[REDACTED]
[REDACTED]

Reg. No: 2010-37859
Issue No: 2009
Case No: [REDACTED]
Hearing Date:
August 5, 2010
St. Clair 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. After due notice, an in-person hearing was held on August 5, 2010. Claimant personally appeared and testified. Claimant was represented at the hearing by [REDACTED].

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 July 9, 2009, claimant filed an application for Medical Assistance and retroactive Medical Assistance benefits alleging disability.
- (2) On September 9, 2009, the Medical Review Team denied claimant's application stating that claimant's impairments lacked duration.
- (3) On September 15, 2009, the department caseworker sent claimant notice that his application was denied.

- (4) On December 10, 2009, claimant's representative filed a request for a hearing to contest the department's negative action.
- (5) On June 15, 2010, the State Hearing Review Team again denied claimant's application stating that claimant's impairments lacked duration per 20 CFR 416.909 and that claimant is capable of performing medium work per 20 CFR 416.967(c) pursuant to Medical Vocational Rule 203.25.
- (6) On the date of hearing, claimant was a 45-year-old man whose date of birth is [REDACTED]. Claimant is 5'11" tall and weighed 217 pounds. Claimant is a high school graduate. Claimant is able to read and write and does have basic math skills.
- (7) Claimant last worked in a restaurant emptying garbage cans and cleaning the parking lot.
- (8) Claimant alleges as disabling impairments: hypertension, shortness of breath, back pain and diabetes, as well as muscular dystrophy and 24/7 oxygen.
- (9) A September 28, 2011 SOLQ from the Social Security Administration indicated that claimant is in current pay status and he is receiving SSI with a disability onset date of November 16, 2009.

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).

Supplemental Security Income (SSI) is a cash benefit for needy individuals who are aged, at least 65, blind or disabled. The Social Security Administration (SSA) determines SSI eligibility. To be automatically eligible in Michigan for Medical Assistance (MA) and SSI, a recipient must both be (1) be a Michigan resident and (2)

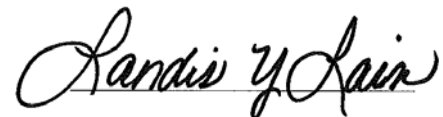
cooperate with third party resource liability requirements. DHS administers MA for SSI recipients, including a continued MA eligibility determination when SSI benefits end. Ongoing MA eligibility begins the first day of the month of SSI entitlement. Some clients also qualify for retroactive (retro MA) coverage for up to three months prior to SSI entitlement. BEM, Item 150, page 1.

Because of the Social Security Administration determination, it is not necessary for the Administrative Law Judge to discuss the issue of disability.

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 November 9, 2009 disability onset date established by Social Security Administration. Claimant can also receive Medical Assistance for the months of October, September and August 2009 based upon the Social Security Administration rules. Claimant is eligible to receive Medical Assistance if he remains or was a Michigan resident at the time of application.

Accordingly, the department's decision is REVERSED. The department is ORDERED to open ongoing Medical Assistance case with the claimant effective the month of SSI entitlement if claimant meets all other nonmedical eligibility criteria. (There is some question as to whether or not claimant meets the residence and requirement.) The department shall inform the claimant of the determination in writing.



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

Date Signed: October 10, 2011

Date Mailed: October 10, 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/tg

cc:

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