

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

IN THE MATTER OF:

[REDACTED]

Reg. No: 2011-38693
Issue No: 2009
Case No: [REDACTED]
Hearing Date: January 3, 2013
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 January 3, 2013. Claimant was represented at the hearing by [REDACTED]. Before the hearing, [REDACTED] withdrew from the hearing stating that the withdrawal was on the condition of finding out if claimant was found disabled for a set date and that the Bridges printout was incorrect.

ISSUE

Whether the 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 December 20, 2010, claimant filed an application for Medical Assistance and Retroactive Medical Assistance benefits alleging disability.
2. On March 8, 2011, the Medical Review Team denied claimant's application stating claimant could perform other work pursuant to Medical/Vocational Rule 202.07
3. On March 11, 2011, the department caseworker sent claimant notice that his application was denied. An application eligibility notice was also sent to L & S Associates.
4. On June 13, 2011, [REDACTED] filed a request for a hearing to contest the department's negative action.

5. On September 14, 2011, claimant filed an application with the Social Security Administration.
6. On February 7, 2012, claimant was awarded Supplemental Security Income benefits.
7. On February 13, 2012, claimant was awarded Retirement, Survivors and Disability Insurance (RSDI) with a disability onset of April 11, 2011 based upon a September 14, 2011 application date.

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 Social Security Administration determination, it is not necessary for the Administrative Law Judge to discuss the issue of disability. PEM, Item 260.

A person eligible for retirement, survivors and disability insurance (RSDI) benefits based on his disability or blindness meets the disability or blindness criteria. Disability or blindness starts from the RSDI disability onset date established by the Social Security Administration (SSA). This includes a person whose entire RSDI benefit is being withheld for recruitment. No other evidence is required. BEM, Item 260, Page 1.

Ongoing MA eligibility begins the first day of the month of SSI entitlement. BEM, Item 150, page 1.

Some clients also qualify for **retroactive** (retro) MA coverage for up to three calendar months prior to SSI entitlement; see [BAM 115](#). Retro MA coverage is available back to the first day of the third calendar month prior to: For SSI, entitlement to SSI. BAM, Item 115, page 9.

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 April 11, 2011 disability onset date.

2011-38693/LYL

LYL/las

cc:

