

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

**IN THE MATTER OF:**

[REDACTED]

Reg. No: 2012-69364  
Issue No: 2009  
Case No: [REDACTED]  
Hearing Date: December 12, 2012  
Saginaw 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 December 12, 2012. Claimant was represented at hearing by [REDACTED] of [REDACTED]

**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 April 10, 2012, claimant filed an application for Medical Assistance and Retroactive Medical Assistance benefits alleging disability.
2. On May 1, 2012, the Medical Review Team denied claimant's application stating that claimant's impairments lacked duration.
3. On May 4, 2012, the department caseworker sent claimant notice that his application was denied.
4. On July 24, 2012, claimant filed a request for a hearing to contest the department's negative action.
5. On October 3, 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 had an acute

condition brought about by their Sickl e Cell Anemia. The claimant would not be prevented from performing gainful activities for a period of 90 days or greater. The claimant is not currently engaging in substantial gainful activity based on the information that is available in file. The medical evidence of record indicates that the claimant's condition is improving/is expected to improve within 12 months from the date of onset or from the date of surgery. Therefore, MA-P is denied due to lack of duration under 20 CFR 416.909. Retroactive MA-P was considered in this case and is also denied. SDA is denied per BEM 261, as the impairment would not preclude all work for 90 days. Listings 1.02 and 7.05 were considered in this determination.

6. The hearing was held on December 12, 2012. At the hearing, claimant waived the time periods and requested to submit additional medical information.
7. On December 11, 2012, the Social Security Administration issued a fully favorable decision for SSI with a disability onset date of February 18, 2009 and for RSDI with a net monthly benefit of \$ [REDACTED]

#### **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.

#### **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 18, 2009 disability onset date established by the Social Security Administration.

