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

IN THE MATTER OF: Reg. No: 2011-38693

Issue No: 2009 Case No:

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 fo ra 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 Before the hearing, 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, clai mant filed an applic ation for Medical Assistance and Retroactive Medical Assistance benefits alleging disability.
- On March 8, 2011, the Medi cal Review Team denied claimant's application stating claimant coul d perform other work pursuant to Medical/Vocational Rule 202.07
- 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, filed a request for a hearing to contest the department's negative action.

- 5. On September 14, 2011, claim ant filed an applic ation with the Socia I Security Administration.
- 6. On February 7, 2012, claimant was awarded Supplement al Security Income benefits.
- 7. On February 13, 2012, claimant was awarded Retirement, Survivors and Disability Insurance (RSDI) with a disability onset of A pril 11, 2011 based upon a September 14, 2011 application date.

CONCLUSIONS OF LAW

The Medical Assistance (MA) program is estab lished by Title XI X of the Social Sec urity Act and is implemented by Title 42 of the C ode 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 necess any for the Administrative Law Judge to discuss the issue of disability. PEM, Item 260.

A person eligible for retirement, survivors a nd disability insurance (RSDI) benefits based on his dis ability or blindness meets the dis ability or blindness crit eria. Disab ility or blindness starts from the RSDI disability o nset date establis hed by the So cial Security Administration (SSA). This includes a person whose entire RSDI benefit is being with child 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 pr ior to: For SSI, entitlement to SSI. BAM, Ite m 115, page 9.

The department is required to init iate 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 discapility abled under the Medical Assistance Program as of the April 11, 2011 disability onset 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 January, 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 medica. I records. The Social Security Administration did determine that claimant was eligible for SSI on February 7, 2012 retroactive dates from September, 2011 would only go back to the third calendar month prior to SSI entitlement.

It is ORDERED that t he department shall review this case in one year from the date of this Decision and Order.

Landis

Y. Lain

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

Date Signed: January 8, 2013

Date Mailed: January 8, 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 reconsider ation on the Department's motion where the final decisi on cannot be implement ed 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 Decis ion and Order or, if a timely request for r ehearing was made, within 30 days of the receipt date of the rehearing decision.

LYL/las

