

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

IN THE MATTER OF:

[REDACTED]

Reg. No: 2012-55413
Issue No: 2009
Case No: [REDACTED]
Hearing Date: September 19, 2012
Genesee-06 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 September 19, 2012. Claimant personally appeared and testified. Claimant was represented at the hearing by [REDACTED]

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 October 17, 2011, claimant filed an application for Medical Assistance and retroactive Medical Assistance benefits alleging disability.
2. On January 25, 2012, the Medical Review Team denied claimant's application stating that claimant could perform other work pursuant to Medical/Vocation Rule 202.21.
3. On February 24, 2012, the department caseworker sent claimant notice that her application was denied.
4. On May 21, 2012, claimant filed a request for a hearing to contest the department's negative action.
5. On July 3, 2012, the State Hearing Review Team again denied claimant's application stating in its analysis and recommendation: the claimant's

lungs and heart was within normal limits. There was limited range of motion of the knees and all other joints were normal. She had decreased grip strength of the left hand. However, dexterity was unimpaired. She had normal motor strength and tone. Her gait is normal. The diabetes is under control with no reports of end organ damage. Her vision is within normal limits. The medical evidence shows that she may be depressed at times. She is still able to remember, understand, and communicate with others. As a result of the claimant's combination of severe physical condition, she is restricted to performing light unskilled work. She retains the capacity to lift up to 20 lbs occasionally, 10 lbs frequently and stand and walk for up to 6 of 8 hours. Claimant is not engaging in substantial gainful activity at this time. Claimant's severe impairments do not meet or equal any listing. Despite the impairments, she retains the capacity to perform light unskilled work. Therefore, based on the claimant's vocational profile (claimant approaching advanced age, 12th education, and light work history); MA-P is denied using Vocational Rule 202.20 as a guide. Retroactive MA-P benefits are denied at step 5 of the sequential evaluation; claimant retains the capacity to perform light unskilled work.

6. The hearing was held on September 19, 2012. At the hearing, claimant waived the time periods and requested to submit additional medical information.
7. Additional medical information was submitted and sent to the State Hearing Review Team on September 20, 2012.
8. On January 24, 2013, the State Hearing Review Team approved claimant for Medical Assistance stating in its recommended decision: the claimant received a partially favorable allowance beginning on [REDACTED], the day of her 50th birthday supported by the medical evidence for Social Security Disability benefits. Therefore, MA-P/Retro MA-P is approved effective April 26, 2012. At the medical review of January, 2014 request medical records from the last 6 months.
9. According to claimant's award letter dated October 2, 2012, claimant was entitled to monthly disability benefits beginning October, 2012 under the Retirement, Survivor's and Disability Insurance.

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.

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. Claimant filed the current application for RSDI on May 11, 2011. The claimant was denied by initial determination dated December 2, 2011 after review of the case by staff at Michigan Disability Determination Service. The partially favorable decision from the Social Security Administration Administrative Law Judge indicates that beginning on [REDACTED] claimant's age category changed considering claimant's age, education and work experience the finding of disabled is reached by direct application of Medical Vocational Rule 201.14. And a finding of disability as of the claimant's 50th birthday is supported by argument. The claimant was not considered disabled prior to [REDACTED] (p 13 Social Security Administration decision issued September 24, 2012).

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 4, 2012 RSDI approval date.

Accordingly, the department is **ORDERED** to initiate a review of the application if it has 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 (DHS49) and obtain updated medical records.

2012-55413/LYL

LYL/las

cc:

