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

IN THE MATTER OF: Reg. No: 2012-57981

Issue No: Case No:

Hearing Date: December 18, 2012

2009

Lenawee 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 r a hearing to protest the denial of claimant's application for MA. After due notic e, an in person hearing was held on December 18, 2012. Claimant personally appeare d and testified. Claimant was represented at hearing by

<u>ISSUE</u>

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:

- On November 30, 2011, claimant filed an application for Medical Assistance and Retroactive Medical Assistance benefits alleging disability.
- 2. On March 1, 2012, the Medical Re view Team denied cl aimant's application stating that claimant could perform other work.
- 3. On March 16, 2012, the department caseworker sent claimant notice that his application was denied.
- 4. On June 12, 2012, c laimant filed a req uest for a hearing to contest the department's negative action.
- 5. On July 19, 2012, the State Hearing Review Team again denied claimant's application stating in its analysis and recommendation: the claimant has a history of coronary artery disease with stents to the proximal LAD and mid segment of the left circumflex arte ry. He was admitted in Aug ust, 2011 and September, 2011 due to atypical or noncardiac chest pain. His physical examination was unremarkable. The claim ant is not currently

engaging in substantial gainful activity based on the information that is available in file. The claimant's impairments do not meet/equal the intent or severity of a Social Security listing. The medical evidence of record indicates that the claimant retains the capacity to perform a wide range of light work. A finding about the capacity for prior work has not been made. However, this information is not material because all potentially applicable medical vocational guidelines would direct a finding of not disabled given the claimant's age, education and residual functional capacity. Therefore, based on the claimant's vocational profile (younger individual, 14 years of education and history of semi-skilled/skilled work), MA-P is denied using Vocational Rule 202.21 as a guide. Retroactive MA-P was considered in this case and is also denied.

- 6. The hearing was held on December 18, 2012. At the hearing, claimant waived the time periods and request ed to submit additional medica information.
- 7. Additional medical information wa s submitted and sent to the State Hearing Review Team on January 30, 2013.
- 8. On March 14, 2013, the State Hear ing Review Team approved c laimant stating in its recommendati on: the Social Securi ty Administrative Law Judge approved this claimant for benefits in March 6, 2013. At this point, it is not clear whether the claimant has been put into payment status or not. However, it is anticip ated that he will be placed into payment status. Therefore, MA-P/Retro MA-P is approved effective August, 2011.

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 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 necess ary 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.

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 Social Security onset date of August 30, 2010.

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.

Accordingly, if it has not all ready done so, the department is **ORDERED** to open an ongoing Medical Assistance case for the claimant effective the month of the Sol entitlement.

A medical review should be scheduled for March, 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.

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

<u>/s/</u> Landis

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

Date Signed: March 21, 2013

Date Mailed: March 21, 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.

Claimant may request a rehearing or reconsideration for the following reasons:

- A rehearing <u>MAY</u> be granted if there is newly disc overed evidence that could affect the outcome of the original hearing decision.
- A reconsideration MAY be granted for any of the following reasons:
 - misapplication of manual policy or law in the hearing decision,
 - typographical errors, mathematical error, or other obvious errors in the hearing decision that effect the substantial rights of the claimant:
 - the failure of the ALJ to address other relevant issues in the hearing decision.

Request must be submitted through the local DHS office or directly to MAHS by mail at Michigan Administrative Hearings
Reconsideration/Rehearing Request
P. O. Box 30639
Lansing, Michigan 48909-07322

LYL/las

CC:

