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

IN THE MATTER OF: Reg. No: 2012-69364

Issue No: <u>2009</u>

Case No:

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 fo r 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 represent ed at hearing by

<u>ISSUE</u>

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 Re view Team denied claimant's application stating that claimant's impairments lacked duration.
- 3. On May 4, 2012, the department ca seworker sent claimant notice that his application was denied.
- 4. On July 24, 2012, claimant f iled 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 st ating in its ana lysis and recommendation: the medical ev idence of record supports that the claima nt 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 day s 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. Therefor e, 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 request ed to submit additional medical information.

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 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 with child 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 discapility abled under the Medical Assistance Program as of the December 18, 2009 disability onset date established by the Social Security Administration.

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 (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.

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

