

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

IN THE MATTER OF:

[REDACTED]

Reg. No: 201271457
Issue No: 2009
Hearing Date: November 14, 2012
Clare 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, a telephone hearing was held on November 14, 2012. Claimant personally appeared and testified.

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 March 27, 2012, claimant filed an application for Medical Assistance (MA-P) and retroactive Medical Assistance benefits alleging disability.
2. On August 8, 2012, the Medical Review Team (MRT) denied claimant's application stating that claimant could perform other work.,
3. On August 13, 2012, the department caseworker sent claimant notice that his application was denied.
4. On August 20, 2012, claimant filed a request for a hearing to contest the department's negative action.
5. On October 1, 2012, the State Hearing Review Team (SHRT) again denied claimant's application stating in its analysis and recommendation:

The claimant reported multiple allegations. He had a history of mitral valve replacement. His breathing tests in 2011 were within normal limits. A 68-hour awake and sleep EEG was normal except for muscular activity. He was not prescribed any anti-epileptic medications. In April 2012 he had increased muscle tone and muscle spasms in the cervical spine. He had a very mild left wrist drop and slight weakness of the finger extensors on the left. Deep tendon reflexes were slightly asymmetric with the left upper extremity brisker than the right side. He had decreased sensation in the right hand and arm. His gait was normal. His diagnoses included chronic pain syndrome, RSD, syncope, myoclonus and lesion of the radial nerve. His mental status showed he was extremely self-focused and depressed. His thoughts were organized and pertinent. The claimant is not currently engaging in substantial gainful activity (SGA) based on the information that is available in the 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 simple, unskilled, light work avoiding frequent fingering and handling. 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 (RFC). Therefore, based on the claimant's vocational profile of closely approaching advanced age at 52, high school level education and history of unskilled/semi-skilled work, MA-P is denied using Vocational Rule 202.13 as a guide. Retroactive MA-P was considered in this case and is also denied. Examples of three entry level light jobs that do not require frequent fingering and handling and that the claimant remains capable of doing are: school

School Bus Monitor (Gov. Service) 372.667-042
Order Caller (clerical) 209.667-014
Usher (Amuse. And Rec.) 334.667-014

6. The hearing was held on November 14, 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 November 14, 2012.
8. On December 13, 2012, the State Hearing Review Team again denied claimant's application.
9. On December 14, 2012, the Social Security Administration issued a fully favorable decision for SSI with a disability onset date of January 1, 2010.

CONCLUSIONS OF LAW

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. 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 prior to: For SSI, entitlement to SSI. BAM, Item 115, page 9.

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 March 27, 2012 application date and for the months of December 2011, January 2012, and February 2012 based upon his SSI entitlement.

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

A medical review should be scheduled for December 2013. 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 the department shall review this case in one year from the date of this Decision and Order.

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

Date Signed: January 7, 2013

Date Mailed: January 7, 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 reconsideration on the Department's motion where the final decision cannot be implemented 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 Decision and Order or, if a timely request for rehearing 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 **MAY** be granted if there is newly discovered 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 affect 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

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LYL/db

cc:

