

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

**IN THE MATTER OF:**



Reg. No.: 20135787  
Issue No.: 2009  
Case No.: [REDACTED]  
Hearing Date: February 13, 2013  
County: Branch

**ADMINISTRATIVE LAW JUDGE:** Kevin Scully

**HEARING DECISION**

This matter is before the undersigned Administrative Law Judge by authority of MCL 400.9 and MCL 400.37 upon Claimant's request for a hearing. Claimant's request for a hearing was received on October 11, 2012. After due notice, a telephone hearing was held on February 13, 2013. The Claimant personally appeared and provided testimony.

**ISSUE**

Whether the Claimant meets the disability criteria for Medical Assistance (MA)?

**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 June 25, 2012, the Claimant submitted an application for Medical Assistance (MA) benefits alleging disability.
2. On September 4, 2012, the Medical Review Team (MRT) determined that the Claimant did not meet the disability standard for Medical Assistance (MA-P) because it determined that he is capable of performing other work despite his impairments.
3. On September 12, 2012, the Department sent the Claimant notice that it had denied the application for assistance.
4. On October 11, 2012, the Department received the Claimant's hearing request, protesting the denial of disability benefits.
5. On December 10, 2012, the State Hearing Review Team (SHRT) upheld the Medical Review Team's (MRT) denial of MA-P.

6. The Claimant applied for federal Supplemental Security Income (SSI) benefits at the Social Security Administration (SSA).
7. According to a Bridges SOLQ Report, the SSA approved Claimant for Supplemental Security Income (SSI) benefits with a disability onset date of April 13, 2011.

### **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 Social Security Administration determination, it is not necessary for the Administrative Law Judge to discuss the issue of disability. BEM 260.

Ongoing MA eligibility begins the first day of the month of Supplemental Security Income (SSI) entitlement. BEM 150.

Some clients also qualify for retroactive MA coverage for up to three calendar months prior to SSI entitlement. Retro MA coverage is available back to the first day of the third calendar month. BAM 115.

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 and the State Disability Assistance Program as of the June 25, 2012, application date.

Accordingly, the Department is **ORDERED** to initiate a review of the June 25, 2012, 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 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 February 1, 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 the Department shall review this case in one year from the date of this Decision and Order.

/s/  
Kevin Scully  
Administrative Law Judge  
For Maura Corrigan, Director  
Department of Human Services

Date Signed: February 13, 2013

Date Mailed: February 14, 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.

KS/tb

cc:

