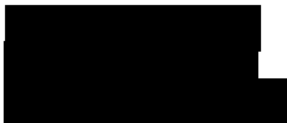


STATE OF MICHIGAN
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:



Reg. No: 2013-10877
Issue No: 2009
Case No: [REDACTED]
Hearing Date: February 28, 2013
Allegan 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 February 28, 2013. 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 August 23, 2012, claimant filed an application for Medical Assistance and Retroactive Medical Assistance benefits alleging disability.
2. On October 31, 2012, the Medical Review Team denied claimant's application stating that claimant could perform prior relevant work.
3. On November 1, 2012, the department caseworker sent claimant notice that his application was denied.
4. On November 8, 2012, claimant filed a request for a hearing to contest the department's negative action.
5. On January 4, 2013, the State Hearing Review Team again denied claimant's application stating in its analysis and recommendation: the claimant had pain and tenderness in his right elbow, left elbow and left knee. There were no other current abnormal findings indicated. He reported a history of multiple psychiatric hospitalizations over the years. His speech was coherent and rational, although somewhat tangential and circumstantial. He reported demons around his house at night but denied

hallucinations. Diagnoses included major depression, anxiety and a personality disorder. The claimant 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 simple, unskilled, light work. The claimant's past work as a courier was performed at the unskilled, light level. Therefore, the claimant retains the capacity to perform his past relevant work. MA-P is denied per 20 CFR 416.920 (e). Retroactive MA-P was considered in this case and is also denied.

6. The hearing was held on February 28, 2013. 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 February 28, 2013.
8. On April 24, 2013, the State Hearing Review Team approved claimant stating in its recommendation: the Social Security ALJ approved this claimant for benefits in March, 2013. At this point, it is not clear whether the claimant has been put into payment status or not. However, it is anticipated that he will be placed into payment status. Therefore, MA-P/Retro MA-P is approved effective May, 2012.
9. According to a Bridges SOLQ Report, the SSA approved claimant for RSDI benefits with a disability onset date of November 23, 2010. Claimant is in payment status.

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

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 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:

