# 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:

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 fo r a hearing to protest the denial of claimant's application for MA. After due not ice, a telephone hear ing was held on February 28, 2013. Claimant personally appeared and testified.

# <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:

- On August 23, 2012, claimant filed an application for Medical Assistance and Retroactive Medical Assistance benefits alleging disability.
- 2. On October 31, 2012, the M edical Review T eam 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 Revi ew Team again denie d claimant's application st ating in its ana lysis and recommendation: the claimant had pain and tenderness in his right elbow, left elbow and left knee. There were no other c urrent abnormal findings indicated. He reported a history of multiple ps ychiatric 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 inc luded major depression, anxiety and a personality disorder. The claimant is not currently engaging in substantial gainful activity based on the informati on 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 performe d at the unskilled, light lev el. 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 request ed to submit additional medical information.
- 7. Additional medical information wa s 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.
- 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 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 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 dis ability or blindness meets the dis ability or blindness crit eria. Disab ility or blindness starts from the RSDI disability onset 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.

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 discapped under the Medical Assistance Program as of the Augu st 3, 2012 application date as well as the months of May, June and July, 2012 in a ccordance with the retroactive Medical Assistance application.

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 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 r eview, the department is to obtain updat ed 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/ Landis

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

Date Signed: April 30, 2013

Date Mailed: April 30, 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 decision 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 <u>MAY</u> 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

