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

IN THE MATTER OF:

Reg. No: 2013-22419

Issue No: 2009

Case No:

Hearing Date: June 27, 2013

Genesee #02 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 ra hearing to protest the denial of claimant's application for MA. After due not ice, an in-person hearing was held on June 27, 2013. Claimant personally appeared and testified. The department was represented at the hearing by Eligibility specialist

<u>ISSUE</u>

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

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 November 19, 2012, clai mant filed an applic ation for Medical Assistance benefits.
- 2. On December 18, 2012, the department caseworker sent claimant notice that his application was denied.
- 3. On December 27, 2012, claimant filed a request for a hearing to contest the department's negative action.
- On June 18, 2013, the Social Se curity Administration issued an approval for Supplemental Security Income (SSI) with a disability onset date of December 12, 2012.

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 ary 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 S SI, entitlement to SSI. BAM, Item 115, page 9.

The department is required to init iate 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 diseabled under the Medical Assistance Program and the State Disability Assistance Program as of the **November 19, 2012 application date**.

Accordingly, if it has not all ready done so, the department is **ORDERED** to open an ongoing Medical Assistance case for the claimant effect ive the month of the Sol entitlement as well as November 2012, if claimant is otherwise eligible.

A medical review should be scheduled for Ju ly 2014. The department should check to see if claimant is in current payment status or not. If the claimant is in curr ent payment status at the medical review no further action will be necessary. However, if the claimant is not in c urrent payment st atus 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.

<u>/s/</u>

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

Date Signed: July 3, 2013

Date Mailed: July 3, 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

