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

IN THE MATTER OF:

Reg. No: Issue No: Case No:

2009;4031

2013-22508

Hearing Date:

April 25, 2013 **Grand Traverse County DHS**

ADMINISTRATIVE LAW JUDGE: Landis Y. Lain

HEARING DECISION

This matter is before the undersigned Administ rative 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. A fter due notice, a tel ephone hearing was held on April 25, 2013. Claimant personally a ppeared and testified. The depar tment was represented at the hearing by Eligibility Specialist,

ISSUE

Whether claimant meets the di sability criteria for Medi cal Assistance (MA-P) and State Disability Assistance (SDA)?

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 July 26, 2012, c laimant filed an application for Medical Assistance, Retroactive Medical Assistance and St ate Disability A ssistance benefit s alleging disability.
- 2. On September 25, 2012, the Medical Review Team denied claimant's application stating that claimant's impairments were non-exertional.
- 3. On October 10, 2012, the department caseworker sent claimant notice that his application was denied.
- 4. On January 8, 2013, claimant filed a request for a hearing to contest the department's negative action.
- 5. On March 1, 2013, the State Hearing Review Team again denied claimant's application stating in its analys is and recommendation: claimant has a history of back pain, but the phys ical exams are normal. He does not have a severe physical impairment. Claimant has a diagnosis of mood disorder

nos. His mental status exam indic ates limited communication abilities: however, claimant retains the capacity to perform simple, routine tasks. The claimant is not currently engaging in substantial gainful activ ity based on the information that is available in file. The claimant's impairments do not meet/equal the intent or se verity of a Social Security listing. The medical evidence of record indic ates that the claimant retains the c perform a wide range of unsk illed work. A finding about the capacity for prior work has not been made. Howev er, this information is not material because all potentially applic able medic al-vocational guidelines would direct a finding of not disabled gi ven the claimant's age, educ ation and residual functional capacity. Therefor e, based on the clai mant's vocational profile, MA-P is denied using Voca tional Rule 204.00 as a guide. Retroactive MA-P was considered in the is case and is also denied. SDA is denied per PEM 261 because the nature and severity of the cl aimant's impairments would not preclude work activity at the above stated level for 90 days.

- 6. The hearing was held on April 25, 2013. At the hearing, claimant waived the time periods and requested to submit additional medical information.
- 7. On May 29, 2013, the Social Security Administration issued a fully favorable decision for claimant for SSI with a disability onset date of June 15, 2009.

CONCLUSIONS OF LAW

The State Disability A ssistance (SDA) program which provides financial assistance for disabled persons is established by 2004 PA 344. The Department of Human Services (DHS or department) administers the SDA program pursuant to MCL 400.10, et seq., and MAC R 400.3151-400.3180. Department policies are found in the Program Administrative Manual (BAM), the Program Eligibility Manual (BEM) and the Program Reference Manual (PRM).

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 any 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.

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 July 26, 2012 application date. Claimant meets the definition of medically disabled for the Medical Assistance Program effective the month of SSI entitlement.

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 SSI entitlement.

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.

/s/

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.

2013-22508/LYL

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