

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

**IN THE MATTER OF:**

[REDACTED]

Reg. No: 2013-5297  
Issue No: 2009  
[REDACTED]  
Hearing Date: March 5, 2013  
Wayne-41 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 March 5, 2013. Claimant was represented at the hearing by [REDACTED]. Claimant personally appeared and testified. The department was represented by Medical Contact Worker, [REDACTED].

**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 June 29, 2012, claimant filed an application for Medical Assistance and Retroactive Medical Assistance benefits alleging disability.
2. On September 24, 2012, the Medical Review Team denied claimant's application stating that claimant's impairments lacked duration.
3. On October 2, 2012, the department caseworker sent claimant notice that his application was denied.
4. On October 12, 2012, claimant filed a request for a hearing to contest the department's negative action.
5. On December 12, 2012, the State Hearing Review Team again denied claimant's application stating in its analysis and recommendation: the

medical evidence of record indicated that the claimant's condition is improving/is expected to improve within 12 months from the date of onset or from the date of surgery. The claimant is not currently engaging in substantial gainful activity based on the information that is available in file. The medical evidence of record indicates that the claimant's condition is improving/is expected to improve within 12 months from the date of onset or from the date of surgery. Therefore, MA-P is denied due to lack of duration under 20CFR 416.909. Retroactive MA-P was considered in this case and is also denied. SDA was not applied for by the claimant. Listings 3.08, 4.05, 5.05, 6.02 and 12.09 were considered in this determination.

6. The hearing was held on March 5, 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 March 5, 2013.
8. On May 13, 2013, the State Hearing Review Team approved claimant's application stating that the claimant was approved for Social Security Disability benefits on February 12, 2013 and is currently in payment status. Therefore, MA-P/Retro MA-P is approved effective May, 2012. No medical review is necessary due to the SSA allowance.

### **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 Administration (SSA). This includes a person whose entire RSDI benefit is being withheld for recruitment. No other evidence is required. BEM, Item 260, Page 1.

Ongoing MA eligibility begins the first day of the month of SSI entitlement. BEM, Item 150, page 1.

**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 as of the June 29, 2012 application date and for the Retroactive month of May, 2012.

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.

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 June, 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/

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

Date Signed: May 21, 2013

Date Mailed: May 21, 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.

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:

