

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

**IN THE MATTER OF:**

[REDACTED]

Reg. No: 20136156  
Issue No: 2009  
Case No: [REDACTED]  
Hearing Date: March 12, 2013  
Wayne County DHS (17)

**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 12, 2013. Claimant personally appeared and testified. The department was represented at the hearing 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 22, 2012, claimant filed an application for Medical Assistance (MA-P) and Retroactive Medical Assistance benefits alleging disability.
2. On September 18, 2012, the Medical Review Team denied claimant's application stating that claimant could perform other work.
3. On September 21, 2012, the department caseworker sent claimant notice that his application was denied.
4. On October 11, 2012, claimant filed a request for a hearing to contest the department's negative action.
5. On November 30, 2012, the State Hearing Review Team again denied claimant's application stating in its analysis and recommendation: the claimant had a history of being on hemodialysis for Mediterranean fever.

He had a renal transplant in 2005. In April of 2012 his creatinine was 1.3, which is high but well below the listing level of 4.0. His weight was low with a BMI of 19.68 in May 2012. However, his weight has not been persistently low, as his BMI was 21.12 in February 2012. His physical examination was otherwise unremarkable. The claimant is not currently engaging in substantial gainful activity (SGA) based on the information that is available in the 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 light work. A finding about the capacity for prior work has not been made. However, this information is not material because all potentially applicable medical-vocational guidelines would direct a finding of not disabled given the claimant's age, education and residual functional capacity (RFC). Therefore, based on the claimant's vocational profile (younger individual, limited education and history of unskilled/semi-skilled work), MA-P is denied using Vocational Rules 202.16 and 202.17 as a guide. Retroactive MA-P was considered in this case and is also denied.

6. A hearing was held on March 12, 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 14, 2013.
8. On May 7, 2013, the State Hearing Review Team approved claimant for Medical Assistance and Retroactive Medical Assistance benefits stating in its recommendation: The Social Security Administrative Law Judge approved this claimant for benefits in April 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 March 2012. At the medical review (May 2014), please check to see if the claimant is in current payment status or not.
9. On April 24, 2013, the Social Security Administration issued a fully favorable decision for Supplemental Security Income and found claimant to be disabled as of May 15, 2012.

### **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.

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 SSI, entitlement to SSI. BAM, Item 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 disabled under the Medical Assistance Program as of the June 22, 2012 application date and for the three months prior to SSI entitlement.

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 May 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 14, 2013

Date Mailed: May 15, 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.

LYL/aca

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