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

IN THE MATTER OF: Reg. No: 2013-22316

Issue No: 2009

Case No:

Hearing Date: April 18, 2013

**Bay 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 Medical Assi stance (MA). After due notice, a telephone hearing was held on April 18, 2013. Claim ant appeared and testified. The department was represented at the hearing by

Family Independence Manager

## <u>ISSUE</u>

Whether the Department of Human Services (the Department) appropriately determined claimant's disability onset date 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:

- On November 20, 2012, claimant filed an application for Medical Assistance and Retroactive Medical Assistance benefits alleging disability.
- On December 21, 2012, the Medi application stating that claimant c Medical vocational rule 202.21
   Cal Rev iew Team denied claimant's ould perform other work pursuant to
- 3. On December 28, 2012, the department caseworker sent claimant notice that his application was denied.
- 4. On January 9, 2013, claimant filed a request for a hearing to contest the department's negative action.

- 5. On February 27, 2013, the Stat e Hearing Review Team again denied claimant's application
- 6. The hearing was held on April 18, 2013. At the hearing, claimant waived the time periods and requested to submit additional medical information.
- 7. Additional medical information wa submitted and sent to the State Hearing Review Team on May 24, 2013.
- 8. On July 16, 2013, the State Heari ng Review Team a pproved claimant's application and the hearing record closed July 18, 2013.
- 9. On June 14, 2013, the Social Securi ty Administration approved claimant for SSI with a disability onset date of January 1, 2009.

## **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 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.

The department is required to init late 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 disabled under the Medical Assistance Program in accordance with the decision of the Social Security Administration and State Hearing Review Team decision from August 2012 forward.

Accordingly, if it has not already done so, the depar tment is **ORDERED** to open an ongoing Medical Ass istance case for the claimant effect ive the month of the S SI entitlement.

A medical review should be scheduled for A ugust, 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 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.

Landis

Y. Lain

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

Date Signed: July 19, 2013

Date Mailed: <u>July 19, 2013</u>

**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.

Claimant may request a rehearing or reconsideration for the following reasons:

- A rehearing **MAY** be granted if there is newly disc overed 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

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