

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201355968
Issue No.: [REDACTED]
Case No.: [REDACTED]
Hearing Date: November 6, 2013
County: Isabella

ADMINISTRATIVE LAW JUDGE: Kevin Scully

HEARING DECISION

Following Claimant's request for a hearing, this matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and 400.37; 42 CFR 431.200 to 431.250; and 45 CFR 205.10. After due notice, a telephone hearing was held on November 6, 2013, from Lansing, Michigan. Participants on behalf of Claimant included [REDACTED] and [REDACTED]. Participants on behalf of the Department of Human Services (Department) included [REDACTED].

ISSUE

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

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 March 4, 2013, the Claimant submitted an application for Medical Assistance (MA) benefits alleging disability.
2. On June 3, 2013, the Medical Review Team (MRT) determined that the Claimant did not meet the disability standard for Medical Assistance (MA-P) because it determined that his impairment did not meet the durational requirement.
3. On June 11, 2013, the Department sent the Claimant notice that it had denied the application for assistance.
4. On June 24, 2013, the Department received the Claimant's hearing request, protesting the denial of disability benefits.

5. On July 18, 2013, the State Hearing Review Team (SHRT) found the Claimant to have been disabled effective June 21, 2013, but upheld the MRT determination for any prior months.
6. On July 25, 2013, the Michigan Administrative Hearing System (MAHS) issued a summary order of disposition and ordered the Department to review the Claimant's eligibility for Medical Assistance (M.A.) as of June 21, 2013.
7. On October 23, 2013, the Michigan Administrative Hearing System (MAHS) issued an order vacating the July 24, 2013, summary order of disposition, and the case was scheduled for an administrative hearing.
8. The Claimant applied for federal Retirement, Survivors, and Disability Insurance (RSDI) benefits at the Social Security Administration (SSA).
9. According to a Bridges SOLQ Report, the Social Security Administration (SSA) approved Claimant for Retirement, Survivors, and Disability Insurance (RSDI) benefits with a disability onset date of February 22, 2013.

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 (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).

The Social Security Administration made a determination that the Claimant is disabled with a disability onset date of February 22, 2013. Because of the Social Security Administration determination, it is not necessary for the Administrative Law Judge to discuss the issue of disability. BEM 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 with child for recruitment. No other evidence is required. BEM 260.

Some clients also qualify for retroactive MA coverage for up to three calendar months prior to SSI entitlement. Retro MA coverage is available back to the first day of the third calendar month. BAM 115.

The Department is required to initiate 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 as of the March 4, 2013, application date, with a request for retroactive benefits through February 1, 2013.

Accordingly, the Department is **ORDERED** to initiate a review of the March 4, 2013, 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 February 1, 2013.

A medical review should be scheduled for October 1, 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/
Kevin Scully
Administrative Law Judge
For Maura Corrigan, Director
Department of Human Services

Date Signed: 11/12/2013

Date Mailed: 11/12/2013

NOTICE OF APPEAL: 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 or Reconsideration was made, within 30 days of the receipt date of the Decision and Order of Reconsideration or Rehearing Decision.

Michigan Administrative Hearing System (MAHS) 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. MAHS 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 (60 days for FAP cases).

A Request for Rehearing or Reconsideration may be granted when one of the following exists:

- Newly discovered evidence that existed at the time of the original hearing that could affect the outcome of the original hearing decision;

- Misapplication of manual policy or law in the hearing decision which led to a wrong conclusion;
- Typographical, mathematical or other obvious error in the hearing decision that affects the rights of the client;
- Failure of the ALJ to address in the hearing decision relevant issues raised in the hearing request.

The Department, AHR or the Claimant must specify all reasons for the request. MAHS will not review any response to a request for rehearing/reconsideration. A request must be *received* in MAHS within 30 days of the date the hearing decision is mailed.

The written request must be faxed to (517) 335-6088 and be labeled as follows:

Attention: MAHS Rehearing/Reconsideration Request

If submitted by mail, the written request must be addressed as follows:

Michigan Administrative Hearings
Reconsideration/Rehearing Request
P.O. Box 30639
Lansing, Michigan 48909-07322

KS/sw

cc:

