

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

IN THE MATTER OF:

[REDACTED]

Reg. No: 2013-15495
Issue No: 2009;4031
Case No: [REDACTED]
Hearing Date: March 28, 2013
Livingston 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, an in person hearing was held on March 28, 2013. Claimant personally appeared and testified. The claimant was represented at the hearing by [REDACTED] of [REDACTED]. The department was represented at the hearing by Eligibility Specialist, [REDACTED].

ISSUE

Whether claimant meets the disability criteria for Medical 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 June 29, 2012, claimant filed an application for Medical Assistance, Retroactive Medical Assistance and State Disability Assistance benefits alleging disability.
2. On September 5, 2012, the Medical Review Team denied claimant's application stating that claimant's impairments lacked duration.
3. On September 7, 2013, the department caseworker sent claimant notice that his application was denied.
4. On December 7, 2012, claimant filed a request for a hearing to contest the department's negative action.
5. On January 23, 2013, the State Hearing Review Team again denied claimant's application stating in its analysis and recommendation: the claimant underwent surgery in March, 2012 for a bicuspid aortic valve and

ascending arch aneurysm. In May, 2012, he was walking a mile 6-7 times a week. He had a healing sternal incision. There was mild tenderness with palpation but no instability of the sternum. Heart was regular in rate and rhythm with no murmur heard. Lungs were clear to auscultation bilaterally. There was no lower extremity edema. Motor examination of the extremities was within normal limits. The medical evidence of record indicates that the claimant's condition is improving or 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 20 CFR 416.909. Retroactive MA-P was considered in this case and is also denied. SDA is denied per PEM 261 as the impairment(s) would not preclude all work for 90 days.

6. The hearing was held on March 28, 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 June 18, 2013.
8. On July 19, 2013, the State Hearing Review Team approved claimant stating it was adopting the SSA/ALJ Title II & XVI decisions. That claimant was approved for Social Security Disability benefits on July 19, 2013 and is currently in payment status. Therefore, MA-P and retroactive MA-P are approved effective March, 2012. SDA is approved per BEM 261.

CONCLUSIONS OF LAW

The State Disability Assistance (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 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 March, 2012. Claimant meets the definition of medically disabled under the State Disability Assistance Program as of the June 29, 2012 application date.

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 August, 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/_____

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

Date Signed: July 24, 2013

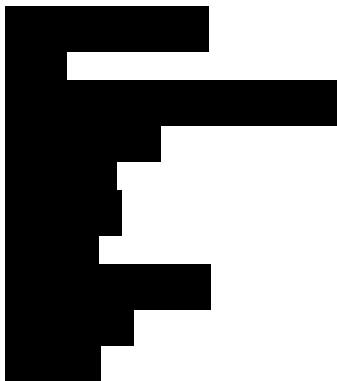
Date Mailed: July 24, 2013

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/las

cc:

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