

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

IN THE MATTER OF:

[REDACTED]

Reg. No: 2013-28553
Issue No: 2009
Case No: [REDACTED]
Hearing Date: May 7, 2013
Kalamazoo 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 May 7, 2013. Claimant personally appeared and testified.

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 December 29, 2011, claimant filed an application for Medical Assistance and Retroactive Medical Assistance benefits alleging disability.
2. On October 19, 2012, the Medical Review Team denied claimant's application stating that claimant could perform other work.
3. On November 1, 2012, the department caseworker sent claimant notice that her application was denied.
4. On January 29, 2013, claimant filed a request for a hearing to contest the department's negative action.
5. On April 9, 2013, the State Hearing Review Team again denied claimant's application stating in its analysis and recommendation: claimant has a history of COPD and back pain with radiculopathy. Her physical exams

are within normal limits. Her lung function is adequate. She retains the capacity to perform light work. The evidence mentions bipolar disorder but does not document severe symptoms or limitations related to a history of bipolar disorder. Claimant does not have a severe mental impairment. The claimant is not currently engaging in substantial gainful activity based on the information that is available in 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. Therefore, based on the claimant's vocational profile, MA-P and retroactive MA-P are denied using Vocational Rule 202.10 as a guide.

6. The hearing was held on May 7, 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 May 8, 2013.
8. On July 11 2013, the State Hearing Review Team again denied claimant's application stating in its recommendation: The claimant is not currently engaging in substantial gainful activity based on the information that is available in 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. Therefore, based on the claimant's vocational profile, MA-P and retroactive MA-P are denied using Vocational Rule 202.10 as a guide.
9. On June 4, 2013, the Social Security Administration issued a fully favorable decision on claimant's behalf which indicated that claimant had a disability onset date of September 27, 2011 and authorized Supplemental Security Income (SSI).

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 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 December 29, 2011 Medical Assistance and Retroactive Medical Assistance application date and as of the September, 2011 Social Security disability onset date.

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.

Landis _____
/s/

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

Date Signed: July 19, 2013

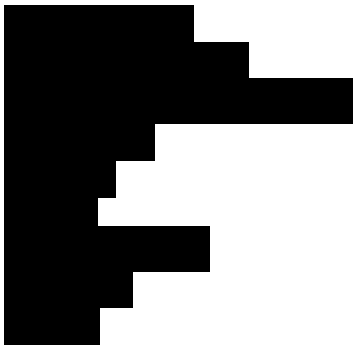
Date Mailed: July 19, 2013

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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