

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

IN THE MATTER OF:

[REDACTED]

Reg. No: 201341939
Issue No: 2009
Case No: [REDACTED]
Hearing Date: July 25, 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 for a hearing to protest the denial of claimant's application for MA. After due notice, an in person hearing was held on July 25, 2013. Claimant was represented at the hearing by [REDACTED] of [REDACTED]. The department was represented at the hearing by [REDACTED], Family Independence Manager.

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 October 26, 2012 claimant filed an application for Medical Assistance (MA-P) and retroactive Medical Assistance benefits alleging disability.
2. On January 28, 2013 the Medical Review Team denied claimant's application stating that claimant could perform other work.
3. On February 5, 2013 the department caseworker sent claimant notice that her application was denied.
4. On April 8, 2013 claimant filed a request for a hearing to contest the department's negative action.
5. On May 28, 2013 the State Hearing Review Team again denied claimant's application stating in its analysis and recommendation:

The claimant has a history of coronary artery disease with a triple bypass. She was hospitalized twice after that with one of the visits undergoing a stent placement. There were no reports of current shingles. As a result of the claimant's severe physical condition, she is restricted to perform sedentary

work. She retains the capacity to lift up to 20 pounds frequently and stand and walk for up to 2 of 8 hours.

Claimant is not engaging in substantial gainful activity at this time.

Claimant's severe impairments do not meet or equal any listing.

Despite the impairments, she retains the capacity to perform light work.

Therefore, based on the claimant's vocational profile (approaching advanced age, [REDACTED], and sedentary work history); MA-P is denied using Vocational Rule 201.13 as a guide. Retroactive MA-P benefits are denied at step 5 of the sequential evaluation; claimant retains the capacity to perform sedentary work.

6. According to a Bridges SOLQ Report, the SSA approved claimant for (RSDI) benefits with a disability onset date of October 13, 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 Social Security Administration determination, it is not necessary for the Administrative Law Judge to discuss the issue of disability. PEM, Item 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, Item 260, Page 1.

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 disability onset date of October 13, 2012.

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.

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: 8/2/13

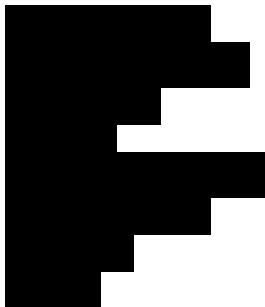
Date Mailed: 8/2/13

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/hj

cc:

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