

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

IN THE MATTER OF:

[REDACTED]  
[REDACTED]  
[REDACTED]

Reg. No: 2008-22269  
Issue No: 2009  
Case No: [REDACTED]  
Load No: [REDACTED]  
Hearing Date:  
December 17, 2008  
Cheboygan County DHS

ADMINISTRATIVE LAW JUDGE: Jay W. Sexton

**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. After due notice, an in-person hearing was held in Cheboygan on December 17, 2008. Claimant personally appeared and testified under oath.

The department was represented by Pamela Fiones (FIS).

Claimant requested additional time to submit new medical evidence. Claimant's medical evidence was sent to the State Hearing Review Team (SHRT) on December 17, 2008. Claimant waived the timeliness requirement so her new medical evidence could be reviewed by SHRT. Subsequently, SHRT approved claimant for MA-P and retro MA-P benefits.

**ISSUES**

- (1) Did claimant establish a severe mental impairment expected to preclude her from substantial gainful work, **continuously**, for one year (MA-P)?
- (2) Did claimant establish a severe physical impairment expected to preclude her from substantial gainful work, **continuously**, for one year (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) Claimant is an MA-P applicant (February 12, 2008) who was denied by SHRT (July 7, 2008) based on claimant's failure to establish an impairment which meets the department's severity and duration requirements.
- (2) Claimant's vocational factors are: age—53; education—high school diploma; post-high school education—none; work experience—assembly line worker for [REDACTED].
- (3) Claimant has not performed Substantial Gainful Activity (SGA) since 1979, when she worked on the assembly line at [REDACTED].
- (4) Claimant has the following unable-to-work complaints:
  - (a) Depression;
  - (b) Constant headaches;
  - (c) Sleep dysfunction;
  - (d) Difficulty concentrating;
  - (e) Back and leg pain;
  - (f) Limited ability to sit;
  - (g) Needs surgery on her lower back;
  - (h) Gets shots in her back to relieve her pain;
  - (i) Has difficulty bending over.
- (5) On April 27, 2010, SHRT approved claimant for MA-P and retro MA-P effective November 2007.

### **CONCLUSIONS OF LAW**

#### **LEGAL BASE**

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).

SHRT approved claimant for MA-P and retro MA-P with an onset date of November 2007.

Therefore, the Administrative Law Judge decides that claimant meets the MA-P eligibility requirements effective November 2007.

**DECISION AND ORDER**

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that claimant meets the MA-P disability requirements under BEM 260. Claimant is disabled for MA-P purposes based on the recent SHRT decision.

Accordingly, the department's denial of claimant's MA-P application is, hereby, REVERSED.

The department shall open claimant's MA-P case effective November 2007.

SO ORDERED.

/s/ \_\_\_\_\_  
Jay W. Sexton  
Administrative Law Judge  
For Maura D. Corrigan, Director  
Department of Human Services

Date Signed: June 7, 2011

Date Mailed: June 8, 2011

**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 mailing 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.

JWS/sd/tg

2008-22269/JWS

cc:

