

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

IN THE MATTER OF:

[REDACTED]  
[REDACTED]  
[REDACTED]

Reg. No: 2009-13013  
Issue No: 2009  
Case No: [REDACTED]  
Hearing Date: September 3, 2009  
Newaygo 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 on September 3, 2009 in Battle Creek. Claimant personally appeared and testified under oath.

The Department was represented by Geraldine Archbold (JET Worker) and Diane Burns (ES).

Claimant requested additional time to submit new medical evidence. Claimant waived the timeliness requirement, so her new medical evidence could be reviewed by SHRT. Claimant did not submit her supplemental medical evidence prior to the record closed date (September 3, 2009).

**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 (September 26, 2008) who was denied by SHRT (February 25, 2009), based on claimant's ability to perform light work.

2. Claimant's vocational factors are: age-33; education--high school diploma; post high school education--eight semesters at [REDACTED]; work experience--telephone marketer.
3. Claimant has not performed Substantial Gainful Activity (SGA) since she worked as a telephone marketer in 2006.
4. Claimant has the following unable-to-work complaints:
  - a. Balance dysfunction;
  - b. Anxiety;
  - c. Inability to write;
  - d. Fine motor skill dysfunction;
  - e. Status post seizures;
  - f. Speech dysfunction;
  - g. Partial paralysis;
  - h. Arteriodenous malformation (AVM).
5. On October 9, 2008, the Social Security Administration (SSA) approved claimant for RSDI benefits, with a disability onset date of September 19, 2008. Therefore, the Administrative Law Judge does not have jurisdiction to rule on the issue of disability at this time.

### **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 RSDI benefits with a disability onset date of September 19, 2008. Therefore, the Administrative Law Judge does not have jurisdiction to rule on the issue of disability at this time period.

### **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 PEM 260. Claimant is disabled for MA-P purposes based on the recent SSI approval by SSA.

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

The department shall open claimant's MA-P case, effective September 1, 2008.

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 7, 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/tg

cc:

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