

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

IN THE MATTER OF:

[REDACTED]
[REDACTED]
[REDACTED]

Reg. No: 2009-30511

Issue No: 2009

Case No: [REDACTED]

Hearing Date:

September 9, 2009

Kent 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 9, 2009, in Grand Rapids. Claimant was represented by [REDACTED].

The department was represented by Mary Major (FIM).

Claimant requested additional time to submit new medical evidence. Claimant's new medical evidence was mailed to the State Hearing Review Team (SHRT) on September 30, 2009. Claimant waived the timeliness requirement so his new medical evidence could be reviewed by SHRT. After SHRT's second disability denial, the Administrative Law Judge issued the decision below.

ISSUES

- (1) Did claimant establish a severe mental impairment expected to preclude him from substantial gainful work, **continuously**, for one year (MA-P)?
- (2) Did claimant establish a severe physical impairment expected to preclude him 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/retro applicant (March 31, 2009) who was denied by SHRT (August 5, 2009) based on claimant's ability to perform light work. Claimant was denied a second time (August 1, 2009) for the same reason. Claimant requests retro MA for December 2008 and January, February 2009.
- (2) Claimant's vocational factors are: age—49; education—high school diploma; post high school education—three semesters at [REDACTED] (business major); work experience—limo driver, factory worker and customer service representative for [REDACTED].
- (3) Claimant has not performed substantial gainful activity (SGA) since he worked as a limo driver in June 2005.
- (4) Claimant has the following unable-to-work complaints:
 - (a) Rheumatoid arthritis;
 - (b) Migraine headaches;
 - (c) Hepatitis C;
 - (d) Chronic back pain;
 - (e) Hypertension; and
 - (f) Depression.
- (5) On or about September 8, 2008, SSA approved claimant for SSI benefits with a disability onset date of October 1, 2005.

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).

SSA approved claimant for SSI benefits with a disability onset date of October 1, 2005. Therefore, the Administrative Law Judge does not have jurisdiction to rule on the issue of disability at this time.

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 of claimant's MA-P application is, hereby, REVERSED.

The department shall open claimant's MA-P case effective December 8, 2008.
SO ORDERED.

/s/ _____
Jay W. Sexton
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: June 10, 2011

Date Mailed: June 10, 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 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.

JWS/tg

cc:

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