

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF: [REDACTED],
Claimant

Reg. No: 2009-33475
Issue No: 2009
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
September 29, 2009
Allegan 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, a telephone hearing was held on September 29, 2009, in Allegan. Claimant personally appeared and testified under oath.

The department was represented by Mariah Schafer (AP Supervisor).

The Administrative Law Judge appeared by telephone from Lansing.

Claimant requested additional time to submit new medical evidence. The new medical evidence was submitted to the State Hearing Review Team (SHRT) on October 5, 2009. Claimant waived the timeliness requirements so his new medical evidence would be reviewed by SHRT. **On November 16, 2009, Social Security Administration approved claimant for RSDI/SSI.**

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 (June 2, 2009) who was denied by SHRT (September 2, 2009) based on claimant's failure to establish the required severity and duration. Claimant requests retro MA for March, April and May 2009.

(2) Claimant's vocational factors are: age—48; education—high school diploma; post high school education—none; work experience—inventory and warehouse manager for [REDACTED], warehouse manager for a parts company, employee at the [REDACTED] [REDACTED] in [REDACTED].

(3) Claimant has not performed substantial gainful activity since July 2007 when he was employed by [REDACTED] as a warehouse manager.

- (4) Claimant had the following unable-to-work complaints:
- (a) Cirrhosis;
 - (b) Sepsis of the liver;
 - (c) Pancreatitis;
 - (d) Hypertension (HTN);
 - (e) Insomnia;
 - (f) Cataracts.

(5) On November 16, 2009, Social Security Administration approved claimant for RSDI/SSI. The disability onset date is **February 15, 2009**.

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).

Since Social Security has decided that claimant is disabled for SSI/RSDI purposes, the Administrative Law Judge does not have jurisdiction to rule on the issue of disability.

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. Based on the November 16, 2009 Social Security approval, claimant is totally unable to perform any substantial gainful activity at this time. Therefore, claimant meets the disability requirements for the MA-P benefits requested at the DHS hearing.

SO ORDERED.

/s/
Jay W. Sexton
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: December 29, 2009

Date Mailed: December 30, 2009

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

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