

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

IN THE MATTER OF:

[REDACTED]
[REDACTED]
[REDACTED]

Reg. No: 2009-36917

Issue No: 2009; 4031

Case No: [REDACTED]

Hearing Date:

June 15, 2010

Marquette 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 June 15, 2010, in Marquette. The claimant personally appeared and testified under oath. The claimant was represented at the hearing by [REDACTED].

The department was represented by Annette Elmlad (FIM) and Alan Wikman (AP Worker).

ISSUES

- (1) Did DHS establish that claimant's mental impairments have improved to the extent the claimant is no longer disabled for MA-P purposes?
- (2) Did DHS establish that claimant's physical/exertional impairments have improved to the point the claimant is no longer disabled for MA-P purposes?

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 recipient (benefits began August 2008). The local office conducted an eligibility review to determine claimant's continued MA-P eligibility.

- (2) Claimant's vocational factors are: age--46; education—high school diploma; post high school education—one semester at [REDACTED]; work experience—delivery driver for a lumber company.
- (3) Claimant has not performed Substantial Gainful Activity (SGA) since he worked as a delivery driver for a lumbar company in 2003.
- (4) Claimant has the following unable-to-work complaints:
 - (a) Vertebrae dysfunction;
 - (b) Herniated discs;
 - (c) Depression;
 - (d) Anxiety disorder;
 - (e) Major depression; and
 - (f) Status post child abuse.
- (5) On or about February 25, 2011, the Social Security Administration approved claimant for SSI/RSDI benefits with a disability onset date of July 13, 2006. 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 BEM 260. Claimant is disabled for MA-P purposes based on the recent SSI/RSDI approval by SSA.

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

If claimant meets all relevant financial requirements for MA-P eligibility, for the period in question, the department shall continue MA-P eligibility, without interruption.

SO ORDERED.



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

Date Signed: July 8, 2011

Date Mailed: July 11, 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:

