

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: 2009-24038
Issue No: 2009
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
July 29, 2009
Genesee 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 Flint on July 29, 2009. Claimant personally appeared and testified under oath.

Claimant was represented by [REDACTED].

The department was represented by Timothy Aumaugher (FIS).

ISSUE

(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: The Administrative Law Judge, based upon the competent, material and substantial evidence on the whole record, finds as material fact:

- (1) On September 29, 2008 claimant applied for MA-P.
- (2) On January 14, 2009 the local medical review team denied claimant's application due to lack of severity and duration.
- (3) On January 14, 2009 the local office sent claimant a written Denial Notice (1150) informing claimant that his application had been denied.
- (4) On April 9, 2009, claimant requested a hearing.
- (5) On June 16, 2009, SHRT denied claimant's application due to the results of the sequential evaluation process.
- (6) On May 26, 2009, the Social Security Administration awarded claimant RSDI benefits, with a disability onset date of May 29, 2008.

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).

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The department's policy regarding disability approvals issued by the Social Security Administration is that the department will recognize Social Security Determinations and award benefits based on them.

Since the Social Security Administration has determined that claimant is eligible for RSDI benefits effective May 29, 2008, it is unnecessary for the Administrative Law Judge to rule on the issue of disability at this time.

DECISION AND ORDER

The Administrative Law Judge, based upon the determination by the Social Security Administration that claimant is eligible for RSDI benefits based on a disabling impairment, with an effective date of May 29, 2008; Administrative Law Judge concludes that claimant is entitled to MA-P benefits.

Based on the recent decision by the Social Security Administration awarding claimant disability benefits (RSDI) the Administrative Law Judge finds that claimant is disabled for MA-P purposes effective May 1, 2008.

SO ORDERED.

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

Date Signed: March 12, 2010

Date Mailed: March 12, 2010

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

cc:

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