

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

IN THE MATTER OF:

[REDACTED]
[REDACTED]
[REDACTED]

Reg. No: 2009-28393
Issue No: 2009
Case No: [REDACTED]
Hearing Date: September 3, 2009
Oceana 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 Hart, Michigan. Claimant personally appeared and testified under oath.

The Department was represented by Julian Castillo (FIM).

Claimant requested additional time to submit new medical evidence. Claimant waived the timeliness requirements so his new medical evidence could be reviewed by SHRT.

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 applicant (May 27, 2009) who was denied by SHRT (July 16, 2009), due to insufficient evidence.
2. Claimant's vocational factors are: age-47; high school education—11th grade; post high school education--none; work experience—secretary and maintenance man at campground.
3. Claimant has not performed Substantial Gainful Activity (SGA) since he worked as a secretary and maintenance man at a campground in 2008.

4. Claimant has the following unable-to-work complaints:
 - a. Left leg dysfunction (blood clot);
 - b. Left leg pain;
 - c. Lower back pain;
 - d. Low back dysfunction;
 - e. Status post motor vehicle accident (November 2007);
 - f. High blood pressure.

5. On or about June 12, 2009, the Social Security Administration (SSA) approved claimant for RSDI benefits with a disability onset date of December 1, 2007.

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).

SSA approved claimant for RSDI benefits with a disability onset date of December 2007. 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 RSDI approval by SSA.

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

The department shall open claimant's MA-P case, effective May 2009.

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 8, 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:

