

STATE OF MICHIGAN  
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES  
ADMINISTRATIVE HEARINGS FOR THE  
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

Reg. No: 2010-20595

Issue No: 2009

Case No: [REDACTED]

Load No:

Hearing Date:

March 23, 2010

Van Buren 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 March 23, 2010, in Hartford. The claimant personally appeared and testified under oath. The claimant was represented by [REDACTED] from [REDACTED].

The department was represented by Donna Barnett (FIM).

**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 22, 2009) who was denied by SHRT (February 26, 2010) based on claimant's failure to establish the required severity and duration.

- (2) Claimant's vocational factors are: age--50; education—8<sup>th</sup> grade; post high school education--none; work experience—rough and finish carpenter for approximately 25 years.
- (3) Claimant has not performed Substantial Gainful Activity (SGA) since he worked as a rough and finish carpenter (self employed) in 2009.
- (4) Claimant has the following unable-to-work complaints:
  - (a) Low back pain;
  - (b) COPD;
  - (c) Depression;
  - (d) Vision dysfunction; and
  - (e) Left leg/hip pain.
- (5) On March 11, 2011, the Social Security Administration approved claimant for SSI benefits with a disability onset date of June 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).

On or about March 11, 2011, the Social Security Administration approved claimant for SSI benefits with a disability onset date of June 2009.

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 approval by the Social Security Administration.

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

If claimant meets the relevant financial eligibility requirements, the department shall open claimant's MA-P case, effective March 2009.

SO ORDERED.



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

Date Signed: June 23, 2011

Date Mailed: June 24, 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:

