

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: 2010-30210

Issue No: 2009

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

June 15, 2010

Dickinson 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 Iron Mountain, Michigan. Claimant personally appeared and testified under oath. Claimant was represented by [REDACTED],

The department was represented by Dawn Wolfe (FIM) and Mary Saltz (ES).

Claimant requested additional time to submit new medical evidence. Claimant waived the time limit requirements so her new medical evidence could be reviewed by SHRT. **On August 25, 2010, SHRT approved claimant for disability benefits (MA-P and retro MA).**

ISSUES

(1) Did claimant establish a severe mental impairment expected to preclude her from substantial gainful work, **continuously**, for one year (MA-P)?

(2) Did claimant establish a severe physical impairment expected to preclude her 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 (December 8, 2009) who was denied by SHRT (April 19, 2010) due to claimant's failure to submit persuasive medical evidence.

(2) Claimant's vocational factors are: age--55; education--high school diploma; post high school education--none; work experience--potato harvester (seasonal).

(3) Claimant has not performed Substantial Gainful Activity (SGA) since she worked as a potato harvester in 2003.

(4) Claimant has the following unable-to-work complaints:

- (a) Status post stroke (2009);
- (b) Left side paralysis;
- (c) Asthma;
- (d) Acid reflux disorder; and
- (e) Left hand dysfunction.

(5) On August 25, 2010, SHRT approved claimant for MA-P, SDA and retro MA to November 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 August 25, 2010, SHRT approved claimant for MA-P benefits. Claimant was also approved for retro MA-P back to November 2009.

Therefore, it is not necessary for the ALJ 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 PEM/BEM 260/261. Claimant is disabled for MA-P purposes based on the August 25, 2010 approval by SHRT.

Accordingly, the department will review claimant's eligibility in August 2011, and will obtain a new physical examination to determine claimant's current ability to work.

SO ORDERED.

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

Date Signed: September 7, 2010

Date Mailed: September 7, 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 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:

