

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: 2010-32031  
Issue No: 2009  
Case No: [REDACTED]  
Load No: [REDACTED]  
Hearing Date:  
May 18, 2010  
Ottawa 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, a telephone hearing was held on May 18, 2010, in Holland. The claimant personally appeared and testified under oath.

The department was represented by Dan Boter (Program Manager).

By agreement of the parties, the record closed on May 18, 2010.

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 (October 13, 2009) who was denied by SHRT (April 28, 2010) based on claimant's ability to perform unskilled light work. Claimant is requesting retro MA-P for August, September, and October 2009.

(2) Claimant's vocational factors are: age--49; education--high school diploma; post high school education--coursework to become a certified paramedic; work experience--factory work (2007).

(3) Claimant has not performed Substantial Gainful Activity (SGA) since he worked as a production line worker in a factory in 2007.

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

- (a) Coronary artery disease;
- (b) Angina;
- (c) Abdominal wall hernia;
- (d) Kidney stone;
- (e) Takes pain medication;
- (f) Needs frequent rest periods.

(5) On September 24, 2010, SSA approved claimant for RSDI benefits with a disability onset date of April 6, 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).

On September 24, 2010, SSA approved claimant for RSDI benefits with a disability onset date of April 6, 2007. Therefore, the undersigned 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 PEM/BEM 260. Claimant is disabled for MA-P purposes based on SSA's recent RSDI approval.

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

The department shall open claimant's MA-P case, assuming all non-medical requirements are met, effective August 2009.

SO ORDERED.

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

Date Signed: October 12, 2010

Date Mailed: October 13, 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:

