

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

IN THE MATTER OF:

[REDACTED]

Reg. No: 2011-10282
Issue No: 2009
Case No: [REDACTED]
Hearing Date: March 9, 2010
Ingham County DHS (33)

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 9, 2010 in Lansing. Claimant personally appeared and testified under oath. Claimant was represented by [REDACTED]

The department was represented by [REDACTED] (Lead Worker).

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:

- (1) Claimant is an MA-P applicant (April 23, 2010) who was denied by MRT on (September 3, 2010) due to insufficient evidence.
- (2) Claimant's vocational factors are Age--58; education--high school diploma; post high school education--a degree in Machine Technology from [REDACTED]; work experience--DHS Home Health Services Aide.

- (3) Claimant is not performed substantial gainful activity (SGA) since he worked as a Home Health Aide in 2009 and 2010.
- (4) Claimant has the following unable-to-work complaints:
 - a) diabetic Ulcer of the left foot;
 - b) uncontrolled diabetes;
 - c) severe high blood pressure;
 - d) heart problems;
 - e) status post heart stent placement;
- (5) [REDACTED] the Social Security Administration approved claimant for RSDI and SSI benefits, with a disability onset date of [REDACTED].

CONCLUSIONS OF LAW

The regulations governing the hearing and appeal process for applicants and recipients of public assistance in Michigan are found in the Michigan Administrative Code, MAC R 400.901-400.951. An opportunity for a hearing shall be granted to an applicant who requests a hearing because his or her claim for assistance has been denied. MAC R 400.903(1). Clients have the right to contest a department decision affecting eligibility or benefit levels whenever it is believed that the decision is incorrect. The department will provide an administrative hearing to review the decision and determine the appropriateness of that decision. BAM 600.

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 (BAM), the Program Eligibility Manual (BEM) and the Program Reference Manual (PRM).

SSA approved claimant for RSDI and SSI benefits with a disability onset date of [REDACTED]. Therefore, the Administrative Law Judge does not have jurisdiction to rule on the 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 the recent approval by the Social Security Administration.

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

The department shall open claimant's MA-P case effective February 1, 2010.

It is so ORDERED.

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

Date Signed: April 11, 2011

Date Mailed: April 12, 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/ds

cc:

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