

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

IN THE MATTER OF:

[REDACTED]

Reg. No: 201116077
Issue No: 2009
Case No: [REDACTED]
Hearing Date: April 27, 2011
Marquette County DHS

ADMINISTRATIVE LAW JUDGE: William A. Sundquist

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon the claimant's request for a hearing. After due notice, a telephone hearing was held on April 27, 2011. The claimant appeared and testified.

ISSUE

Was a recovered non-disability medically established?

FINDINGS OF FACT

The Administrative Law Judge, based upon the competent, material, and substantial evidence on the whole record, finds a material fact:

- (1) In 1999 the claimant was an SSI recipient; it stopped when he went to prison.
- (2) The claimant is currently unemployed.
- (3) After release from prison on [REDACTED], he applied for MA and was approved.
- (4) Claimant is age 46, with a GED.
- (5) Claimant's original MA approval was based on a physical impairment.
- (6) On January 11, 2011, the DHS terminated the claimant's MA based on a recovered non-disability per DHS 260.

- (7) Medical exam after claimant's MA approval is the psychosocial assessment summary dated [REDACTED] (Medical Packet, Page 78).

CONCLUSIONS OF LAW

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).

The facts above are undisputed:

"Disability" is:

...the inability to do any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death or which has lasted or can be expected to last for a continuous period of not less than 12 months.... 20 CFR 416.905.

The claimant was originally approved for MA based on the physical impairment. The psychosocial assessment summary used to terminate the claimant is based on a mental impairment.

Therefore, the objective medical evidence of record does not address the claimant's medically based physical impairment.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law decides that a recovered non-disability was not medically established.

Accordingly, MA termination is REVERSED, and reinstatement of benefits within 10 work days is ORDERED.

Medical review Ordered in June 2012.

/s/

William Sundquist
Administrative Law Judge
For Maura D. Corrigan, Director
Department of Human Services

Date Signed: June 6, 2011

Date Mailed: June 7, 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.

WAS/ar

cc:

