

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

IN THE MATTER OF:

[REDACTED]
[REDACTED]
[REDACTED]

Reg. No: 2011-18243
Issue No: 2009
Case No: [REDACTED]
Load No:
Hearing Date:
May 24, 2011
Kalamazoo 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 May 24, 2011 at 3:25 p.m., in Kalamazoo. The claimant personally appeared and testified under oath. The claimant was represented by [REDACTED] from [REDACTED].

The department was represented by Jillaine Zont (ES).

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 applicant (July 22, 2010) who was denied by SHRT (February 24, 2010) based on claimant's ability to perform medium unskilled work. Claimant requests retro MA for June 2010.

- (2) Claimant's vocational factors are: age--47; education—11th grade; post high school education--none; work experience—cashier/stock clerk and fast-food restaurant work.
- (3) Claimant has the following unable-to-work complaints:
 - (a) Chronic obstructive pulmonary disease (COPD);
 - (b) Lower back problems;
 - (c) Arthritis in the hip and right leg; and
 - (d) Liver problems.
- (4) On May 10, 2011, the Social Security Administration (SSA) approved claimant for SSI benefits with an onset date of July 17, 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 May 10, 2011, the Social Security Administration (SSA) approved claimant for SSI benefits with a disability onset date of July 17, 2009. Therefore, claimant is eligible for MA-P effective June 10, 2010, based on claimant's application dated July 20, 2010. Since SSA has approved claimant for disability benefits, the Administrative Law Judge does not have the 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 effective June 2010, under PEM 260. Claimant is disabled for MA-P purposes based on the recent approval by SSA.

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

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

SO ORDERED.



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

Date Signed: June 10, 2011

Date Mailed: June 13, 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:

