

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

IN THE MATTER OF:

[REDACTED]  
[REDACTED]  
[REDACTED]

Reg. No: 2011-2925  
Issue No: 2009  
Case No: [REDACTED]  
Load No:  
Hearing Date:  
January 12, 2011  
Jackson 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 January 12, 2011, in Jackson. The claimant personally appeared and testified under oath. Claimant was represented by [REDACTED]  
[REDACTED]

The department was represented by Sue Cook (FIM).

Claimant requested additional time to submit new medical evidence.

Claimant waived the timeliness requirement so his new medical evidence could be reviewed by SHRT.

**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 applicant (May 7, 2010) who was denied by SHRT (November 12, 2010) due to insufficient medical evidence.
- (2) Claimant's vocational factors are: age--50; education--high school diploma; post high school education--none; work experience--truck driver for 20 years.
- (3) Claimant has not performed Substantial Gainful Activity (SGA) since he worked as a truck driver in June 2009.
- (4) Claimant has the following unable-to-work complaints:
  - (a) No feeling in his bilateral legs and knees;
  - (b) Sleep apnea;
  - (c) New onset seizures;
  - (d) Obstructive sleep apnea;
  - (e) Right heart failure;
  - (f) Noninsulin dependent Diabetes Mellitus Type II;
  - (g) Hypertension;
  - (h) Morbid obesity with body mass index greater than 40;
  - (i) Stasis dermatitis;
  - (j) Cellulitis;
  - (k) Chronic Obstructive Pulmonary Disease (COPD);
  - (l) Peripheral neuropathy;
  - (m) Agitated with anxious personality;
  - (n) Suspected coronary artery disease with Coronary arteries calcification.
- (5) On February 15, 2011, SHRT approved claimant for MA-P with an onset date of February 2010.

### **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).

SHRT approved claimant for MA-P benefits with an onset date of February 1, 2010.

Therefore, the ALJ does not need 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 the recent approval by SHRT.

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

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

The department shall review claimant's ongoing eligibility for MA-P on February 1, 2012 and shall obtain a new physical examination prior to issuing a disability determination.

SO ORDERED.



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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:

