

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: 2011-3738

Issue No: 2009

Case No: [REDACTED]

Load No:

Hearing Date:

January 19, 2011

Lapeer 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 January 19, 2011, in Lapeer. The claimant personally appeared and testified under oath. The claimant was represented by [REDACTED]

The department was represented by [REDACTED] (Medical Specialist).

The Administrative Law Judge appeared by telephone from Lansing.

Claimant requested additional time to submit new medical evidence. Claimant waived the timeliness requirement so 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 (February 10, 2010) who was denied by

SHRT (November 9, 2010 and February 3, 2011) due to insufficient medical evidence.

- (2) Claimant's vocational factors are: age--36; education--high school diploma; post high school education --none; work experience--machine operator and cabinet maker.
- (3) Claimant has not performed Substantial Gainful Activity (SGA) since worked since he worked as a machine operator for a hydraulic tubes and fitting company.
- (4) Claimant has the following unable-to-work complaints:
 - (a) Degenerative disc disease;
 - (b) Left knee pain; and
 - (c) Left hip pain.
- (5) On February 18, 2011, SHRT approved claimant for MA-P with an onset date of February 2011.

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).

SHRT approved claimant for MA-P benefits with a disability onset date of November 2009.

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 a recent approval by SHRT with a disability onset date of November 2009.

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 2010. The department shall review claimant's ongoing eligibility for MA-P on February 1, 2012 and shall provide claimant with an updated physical examination prior to making a decision on continued eligibility.

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 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:

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