

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: 2011-6368
Issue No: 2009; 4031
Case No: [REDACTED]
Load No:
Hearing Date:
January 25, 2011
Van Buren 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 25, 2011, in Hartford. The claimant personally appeared and testified under oath. The claimant was represented by [REDACTED] from [REDACTED].

The department was represented by Amy Assante (FIM) and Patricia Vigil (ES).

Claimant requested additional time to submit new medical evidence. Claimant waived the timeliness requirement so her new medical evidence could be reviewed by SHRT.

ISSUES

- (1) Did claimant establish a severe mental impairment expected to preclude her from substantial gainful work, **continuously**, for one year (MA-P) or 90 days (SDA)?
- (2) Did claimant establish a severe physical impairment expected to preclude her from substantial gainful work, **continuously**, for one year (MA-P) or 90 days (SDA)?

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/SDA applicant (February 4, 2000) who was denied by SHRT (November 30, 2010) because claimant retains the capacity to perform a wide range of light work.
- (2) Claimant's vocational factors are: age--43; education—high school diploma; post high school education--none; work experience—motel maid, stocker at [REDACTED] and cashier at a gas station.
- (3) Claimant has not performed Substantial Gainful Activity (SGA) since she worked at a motel as a motel maid in 2006.
- (4) Claimant has the following unable-to-work complaints:
 - (a) Disc dysfunction;
 - (b) Chronic back pain;
 - (c) Chronic migraine;
 - (d) Hypertension;
 - (e) Chronic sinus problems; and
 - (f) Depression.
- (5) On or about March 18, 2011, the Social Security Administration approved claimant for SSI/RSDI benefits with a disability onset date of May 4, 2007.

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).

The State Disability Assistance (SDA) program which provides financial assistance for disabled persons is established by 2004 PA 344. The Department of Human Services (DHS or department) administers the SDA program pursuant to MCL 400.10, *et seq.*, and MAC R 400.3151-400.3180. Department policies are found in the Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

On or about March 18, 2011, the Social Security Administration approved claimant for RSDI/SSI benefits with a disability onset date of May 4, 2007.

Therefore, the Administrative Law Judge does not have jurisdiction to rule on the issue of disability at this time.

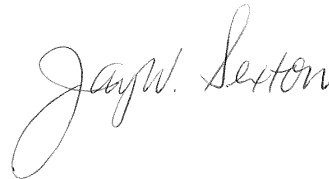
DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that claimant meets the MA-P/SDA disability requirements under BEM 260/261. Claimant is disabled for MA-P/SDA purposes based on the recent approval by the Social Security Administration.

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

If claimant meets the relevant financial eligibility requirements, the department shall open claimant's MA-P/SDA case effective February 2010.

SO ORDERED.



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

Date Signed: June 23, 2011

Date Mailed: June 24, 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

2011-6368/JWS

cc:

