

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: 20116397
Issue No: 2009
Case No: [REDACTED]
Hearing Date: February 1, 2011
Genesee 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 February 1, 2011 in Flint. Claimant personally appeared and testified under oath. Claimant was represented by [REDACTED] from [REDACTED].

The department was represented by [REDACTED].

Claimant requested additional time to submit new medical evidence. Claimant waived the time limit requirements so his new medical evidence could be reviewed by SHRT.

ISSUES

1. Claimant established 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 MAP applicant (December 11, 2009), who was denied by SHRT (December 1, 2010) based on claimant's ability to work
2. Claimant's vocational factors are: age—52; education—12th grade; post high school education—GED, claimant took classes in Fire Protection but did not

- receive a certificate; work experience—employed as a laborer by [REDACTED] [REDACTED] also worked as a cable laying technician.
3. Claimant has not performed Substantial Gainful Activity (SGA) since he was employed by [REDACTED] installing manholes in 2004.
 4. Claimant has the following unable to work complaints:
 - a. Shortness of breath;
 - b. Dizziness;
 - c. Unable to concentrate;
 - d. Seizures;
 - e. Chest Pains;
 - f. Coronary artery disease;
 - g. Heart burn;
 - h. Severe headaches
 - i. Hypertension
 5. On March 3, 2011, the Social Security Administration approved claimant for RSDI/SSI benefits, with a disability onset date of [REDACTED]

CONCLUSIONS OF LAW

The regulations governing the hearing and appeal process for applicants and recipients of public assistance in Michigan are found in the Michigan Administrative Code, MAC R 400.901-400.951. An opportunity for a hearing shall be granted to an applicant who requests a hearing because his or her claim for assistance has been denied. MAC R 400.903(1). Clients have the right to contest a department decision affecting eligibility or benefit levels whenever it is believed that the decision is incorrect. The department will provide an administrative hearing to review the decision and determine the appropriateness of that decision. BAM 600.

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 (BAM), the Program Eligibility Manual (BEM) and the Program Reference Manual (PRM).

On March 3, 2011, SSI approved claimant for RSDI/SSI benefits with a disability onset date of [REDACTED]

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 disability requirements under PEM/BEM 260. Claimant is disabled for MA-P purposes based on the March 3, 2011 RSDI/SSI approval by SSA.

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

The department shall open claimant's MA-P case effective September 1, 2009.

SO ORDERED.

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

Date Signed: April 15, 2011

Date Mailed: April 15, 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 mailing 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/ds

cc:

[REDACTED]