

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

IN THE MATTER OF:

[REDACTED]
[REDACTED]
[REDACTED]

Reg. No: 2011-9479
Issue No: 2009
Case No: [REDACTED]
Load No:
Hearing Date:
March 29, 2011
Berrien 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 March 29, 2011, in Benton Harbor. The claimant personally appeared and testified under oath. The claimant was represented by [REDACTED] from [REDACTED].

The department was represented by Darlene Leonard (FIM) and Brenda Valentine (AP Worker).

Claimant requested additional time to submit new medical evidence. Claimant's new medical evidence was sent to the State Hearing Review Team on May 25, 2011. Claimant waived the timeliness requirement so her new medical evidence could be reviewed by SHRT. Subsequently, SHRT approved claimant for MA-P and retro benefits.

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/retro applicant (August 30, 2010) who was denied by SHRT (January 4, 2001) based on claimant's failure to establish an impairment which meets the department's severity and duration requirements. Claimant requested retro MA-P for July 2010.
- (2) Claimant's vocational factors are: age--64; education—high school diploma; post high school education—two years at [REDACTED] (received a certificate as an LPN); work experience—LPN for a long-term care center.
- (3) Claimant has not performed Substantial Gainful Activity (SGA) since 2006, when she was employed as an LPN for a local long-term care center.
- (4) Claimant has the following unable-to-work complaints:
 - (a) Limited ability to walk;
 - (b) Status post stroke (2006);
 - (c) Impaired ability to make good decisions;
 - (d) No longer certified as an LPN;
 - (e) Impaired grip in the right hand;
 - (f) Hypertension;
 - (g) On oral insulin;
 - (h) Right leg numbness;
 - (i) Right knee dysfunction; and
 - (j) Inability to squat.
- (5) On June 6, 2011, SHRT approved MA-P and retro MA-P effective July 2010.

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).

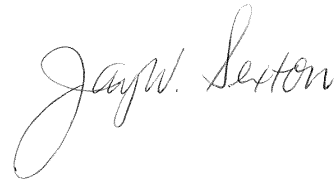
On June 6, 2011, SHRT approved claimant for MA-P and retro. Therefore, the Administrative Law Judge decided that claimant meets the MA-P eligibility requirements effective July 2010.

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 BEM 260. Claimant is disabled for MA-P purposes based on a recent SHRT decision.

Accordingly, the department's denial of claimant's MA-P application is, hereby, REVERSED. The department shall open claimant's MA-P case effective July 2010.

SO ORDERED.



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

Date Signed: June 15, 2011

Date Mailed: June 16, 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:

