

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF: [REDACTED],
Claimant

Reg. No: 2008-29108
Issue No: 2009
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
March 3, 2009
Monroe 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 March 3, 2009, in Monroe. Claimant personally appeared and testified under oath.

The department was represented by Diana Delmontte (FIS).

The Administrative Law Judge appeared by telephone from Lansing.

Claimant requested additional time to submit new medical evidence. Claimant's new medical evidence was mailed to the State Hearing Review Team (SHRT) on March 6, 2009. Claimant waived the timeliness requirement so his new medical evidence could be reviewed by SHRT. After SHRT's disability approval, the Administrative Law Judge issued the decision below.

ISSUES

(1) Did the department 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 (March 24, 2008) who was denied by SHRT (September 2, 2008) based on claimant's ability to perform unskilled light work. SHRT relied on Med-Voc Rule 204.00, as a guide.

(2) Claimant's vocational factors are: age—31; education—high school diploma; post high school education—two semesters at [REDACTED] ([REDACTED] major) and two courses in [REDACTED], sponsored by the [REDACTED] department; work experience—laborer at a flour mill, laborer at a steel plant, claimant worked as a carpenter (rough).

(3) Claimant has not performed Substantial Gainful Activity (SGA) since November 2008 when he worked as a laborer at a flour mill.

(4) Claimant has the following unable-to-work complaints:

- (a) Mood swings;
- (b) Psychosis;
- (c) Status post psychiatric hospitalization in [REDACTED].

(5) SHRT evaluated claimant's medical evidence as follows:

OBJECTIVE MEDICAL EVIDENCE [REDACTED]

SHRT decided that claimant was able to perform unskilled light work. SHRT evaluated claimant's eligibility using SSI Listing 11.04. SHRT decided claimant does not meet the applicable Listing.

Using claimant's vocational profile [younger individual, with high school education and some junior college work and a history of unskilled work [the department denied disability] SHRT denied disability benefits based on Med-Voc Rule 204.00.

(6) Claimant lives alone and performs the following Activities of Daily Living (ADLs): dressing, bathing, cooking, dishwashing, light cleaning, mopping, vacuuming, laundry and grocery shopping (needs help). Claimant does not use a cane, walker, wheelchair, or a shower stool. Claimant does not wear braces. Claimant received in-patient psychiatric hospital services in [REDACTED] for bipolar disorder.

(7) Claimant has a valid drivers' license but does not drive an automobile. Claimant is highly computer literate; he recently completed two [REDACTED] courses at [REDACTED]

(8) The following medical records are persuasive:

(a) A [REDACTED] psychiatric assessment was reviewed. The physician provided the following background:

This is a 30-year-old, Caucasian male who was accompanied by his mother. He stated that he had been diagnosed with bipolar disorder, but then he followed it by saying he is stable now. According to the mother, his first episode was at age 21. He was asked to describe his manic state; he said that he usually is hyperactive in his thoughts, usually racing. He is easily irritable. He is hyper-talkative and according to the mother, he gets grandiose such as wanting to be an engineer or wanting to be about ten different things at the same time. With regard to his depressed state, he stated that he had one about five to six years ago. At that time, he was drinking a lot. He wanted to isolate himself. He sleeps a lot. He has poor appetite, and gained weight although denied being suicidal. He said that he had not been able to hold a job, as he gets bored easily. He indicated that he has no current physical problems.

TREATMENT AND MEDICATION:

He had a previous psychiatric hospitalization approximately two years ago at [REDACTED]. According to the mother, he was very grandiose at the time. Currently, he sees a psychiatrist and a therapist at [REDACTED]. His medications are Depakote, Lexapro, and Abilify.

PERSONAL HISTORY:

He stated he graduated from high school and he had one and one-half years of college. He also stated that he attended trade school and was a certified boiler operator. He also took a course with [REDACTED]. He is single. He has no children. He said he last worked in February of 2008 at a factory.

* * *

MENTAL TREND/THOUGHT CONTENT:

He denied any hallucinations or paranoia ideas, although according to his mother, he gets paranoid. He has indicated earlier, he has mood swings, but more often has manic episodes. He is easily irritable. He denies any suicidal thoughts or suicidal attempts. When questioned about his concentration and memory, he stated that they are 'perfect.' However, according to his mother, he has difficulty focusing. With regards to his sleep, he stated that when he is depressed, he usually sleeps a lot and when he is manic, he has difficulty sleeping and at times he does not sleep at all. His appetite is described as being 'okay,' and he said that he had lost about 25 pounds during a period of three months.

* * *

DSM DIAGNOSES:

Axis I—bipolar disorder, current episodes hypomanic.

Axis V/GAF—50.

* * *

The psychiatrist states that claimant is able to manage his own benefit funds for Social Security purposes.

(9) On April 15, 2009, SHRT approved claimant for MA-P benefits.

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).

Since SHRT has determined that claimant is disabled for MA-P purposes, it is not necessary for the Administrative Law Judge to rule on the issue of disability. The local office will determine whether claimant meets the financial disability standards.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that claimant is disabled for MA-P purposes for the reasons stated above.

The local office shall obtain current medicals and review claimant's eligibility for ongoing MA-P on June 1, 2010.

SO ORDERED.

/s/ _____
Jay W. Sexton
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: June 9, 2009

Date Mailed: June 10, 2009

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:

