

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: 2008-9020

Issue No: 2009

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

May 1, 2008

Kent County DHS

ADMINISTRATIVE LAW JUDGE: Rhonda P. Craig

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 May 1, 2008. The record closed on November 25, 2008.

ISSUE

Is claimant disabled for the purposes of the Medical Assistance program?

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 applied for Medical Assistance on June 20, 2007, retroactive to April 2007.
- (2) Claimant's impairments have been medically diagnosed as bipolar disorder/generalized anxiety, major depressive disorder, attention deficit hyperactivity disorder, and post traumatic stress disorder.

(3) Claimant has the following emotional limitations: anhedonia, crying spells (twice a week), feelings of guilt and anger, episodes of nervousness, social isolation and feelings of guilt.

(4) Claimant's impairments will last or have lasted for a continuous period of not less than 12 months.

(5) Claimant has no significant limitations on physical activities.

(6) [REDACTED]

(7) Claimant has a high school education.

(8) Claimant has employment experience as a sandwich deliverer. Claimant is currently working for his father in a clerical position, 10 to 15 hours a week. He makes

[REDACTED]

(9) The department found that claimant was not disabled and denied claimant's application on August 9, 2007.

(10) New medical evidence (marked new in the file) was received and entered after the hearing. It was submitted to the State Hearing Review Team for reconsideration. The State Hearing Review Team again determined that claimant was not disabled for the program.

#### 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; MSA 16.490(15). Department policies are found in the Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

Pursuant to Federal Rule 42 CFR 435.540, the Department of Human Services uses the federal Supplemental Security Income (SSI) policy in determining eligibility for disability under the Medical Assistance program. Under SSI, disability is defined as:

...the inability to do any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death or which has lasted or can be expected to last for a continuous period of not less than 12 months.... 20 CFR 416.905

A set order is used to determine disability. Current work activity, severity of impairments, residual functional capacity, past work, age, or education and work experience is reviewed. If there is a finding that an individual is disabled or not disabled at any point in the review, there will be no further evaluation. 20 CFR 416.920.

If the impairment or combination of impairments do not significantly limit physical or mental ability to do basic work activities, it is not a severe impairment(s) and disability does not exist. Age, education and work experience will not be considered. 20 CFR 416.920.

In determining disability under the law, the ability to work is measured. An individual's functional capacity for doing basic work activities is evaluated. If an individual has the ability to perform basic work activities without significant limitations, he or she is not considered disabled. 20 CFR 416.994(b)(1)(iv).

Basic work activities are the abilities and aptitudes necessary to do most jobs. Examples of these include --

- (1) Physical functions such as walking, standing, sitting, lifting, pushing, pulling, reaching, carrying, or handling;
- (2) Capacities for seeing, hearing, and speaking;
- (3) Understanding, carrying out, and remembering simple instructions;
- (4) Use of judgment;

- (5) Responding appropriately to supervision, co-workers and usual work situations; and
- (6) Dealing with changes in a routine work setting. 20 CFR 416.921(b).

Medical findings must allow a determination of (1) the nature and limiting effects of your impairment(s) for any period in question; (2) the probable duration of the impairment; and (3) the residual functional capacity to do work-related physical and mental activities. 20 CFR 416.913(d).

All of the evidence relevant to the claim, including medical opinions, is reviewed and findings are made. 20 CFR 416.927(c).

For mental disorders, severity is assessed in terms of the functional limitations imposed by the impairment. Functional limitations are assessed using the criteria in paragraph (B) of the listings for mental disorders (descriptions of restrictions of activities of daily living, social functioning; concentration, persistence, or pace; and ability to tolerate increased mental demands associated with competitive work).... 20 CFR, Part 404, Subpart P, App. 1, 12.00(C).

The Administrative Law Judge is responsible for making the determination or decision about whether the statutory definition of disability is met. The Administrative Law Judge reviews all medical findings and other evidence that support a medical source's statement of disability.... 20 CFR 416.927(e).

In the present case, the claimant is not disabled for the purposes of the Medical Assistance program in that he does not have a severe impairment or combination of impairments as defined above. This conclusion was based upon the medical evidence presented and claimant's testimony regarding his abilities. Claimant has been diagnosed with a number of emotional disorders. However, the examination report regarding these disorders does not indicate that claimant is unable to perform simple, unskilled work. Claimant's treating physician

diagnosed claimant with bipolar disorder, post traumatic stress disorder and attention deficit disorder. However, he indicated that claimant had no problems in activities of daily living and was fully capable of functioning independently. He indicated that he was oriented x3, alert and spontaneous. He further indicated that claimant was goal-directed, although anxious at times. He had good insight, his memory was grossly intact. Claimant's treating physician indicated that he had no impairment in mental status. These findings are consistent with the examining physician. In a document completed in August of 2008, the physician gave claimant

temporary and expectable reactions to stressors. There is no more than slight impairment in any area of psychological functioning. At the hearing, claimant testified that he had no impairment in memory and that his panic attacks had significantly reduced since taking medications. He indicated that he has some fluctuating fatigue and sleep disturbances. He sleeps between 3 and 15 hours a day. He testified that his self-esteem has been improving since medication. He had no suicidal thoughts, hallucinations, or feelings of paranoia. There is no further evidence to suggest that claimant's emotional impairments severely affect his ability to perform basic work activities. Although claimant does have some limitations, they would not prevent him from performing in a number of work activities. Therefore, claimant is not disabled for the purposes of the Medical Assistance program.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that the department was correct in determining that claimant was not disabled for the

purposes of the Medical Assistance program and it is ORDERED that the department's decision in this regard be and is hereby AFFIRMED.

/s/  
Rhonda P. Craig  
Administrative Law Judge  
for Ismael Ahmed, Director  
Department of Human Services

Date Signed: 12/22/08

Date Mailed: 01/06/09

**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.

RPC/cv

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