

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: 2008-13433  
Issue No: 2009; 4031  
Case No: [REDACTED]  
Load No: [REDACTED]  
Hearing Date:  
August 13, 2008  
Wayne 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, telephone hearing was held in Detroit on August 13, 2008. Claimant personally appeared and testified under oath.

The department was represented by Tamara Mitchell (ES) and Catherine Clark (ES).

Claimant requested additional time to submit new medical evidence. Claimant's medical evidence was sent to the State Hearing Review Team (SHRT) on December 22, 2009. Claimant waived the timeliness requirement so her new medical evidence could be reviewed by SHRT.

**On December 30, 2009, SHRT approved claimant for disability benefits.**

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 (July 27, 2007) who was denied by SHRT (April 23, 2008) due to claimant's failure to submit medical evidence which established an impairment which meets the severity and duration requirements.

(2) Claimant's vocational factors are: age--56; education--11<sup>th</sup> grade; post high school education—certified medical assistant; work experience—nurse aide.

(3) Claimant has not performed Substantial Gainful Activity (SGA) since she was employed as a nurse aide in 2004.

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

- (a) Schizophrenia;
- (b) Difficulty understanding conversation;
- (c) Breathing dysfunction;
- (d) Takes psychotic medications;
- (e) Fluid in the head;

(5) **OBJECTIVE MEDICAL EVIDENCE (December 30, 2009)**

**Medical Summary:**

The claimant is alleging disability secondary to affective disorder with psychotic features and degenerative disc disease. The claimant has a long history of being treated for major depression with psychotic features. Per the numerous evaluations performed, this condition has always been in short remission and the claimant has been considered impaired from being able to perform all duties.

Physically, there is evidence of cervical degenerative disc disease, page 15. This condition was not alleged, but there was evidence in file that there were physical limitations which were never investigated.

**Analysis:**

The degree of limitation is such that it is reasonable to assume the claimant would be limited to performing light exertional tasks of a simple and repetitive nature.

\* \* \*

- (6) SHRT approved claimant for MA-P/SDA on December 30, 2009

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 August 21, 2008, SHRT approved claimant for MA-P/SDA benefits.

Therefore, it is not necessary for the ALJ 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 PEM 260/261.

Claimant is disabled for MA-P/SDA purposes based on the December 30, 2009 approval by SHRT.

Accordingly, the department will review claimant's eligibility in February 2011, and will obtain a new physical examination to determine her current ability to work.

SO ORDERED.

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

Date Signed: February 17, 2010

Date Mailed: February 18, 2010

**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 mailing date of the rehearing decision.

JWS/cv

cc:

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