

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: 2009-10908
Issue No: 2009; 4031
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
April 23, 2009
Ionia 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 April 23, 2009, in Ionia. The claimant personally appeared and testified under oath. Claimant was represented by [REDACTED].

The department was represented by Steve Speiser (FIM).

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 April 27, 2009. Claimant waived the timeliness requirements so her 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 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 4, 2008) who was denied by SHRT (February 9, 2009) based on claimant's ability to perform unskilled medium work. SHRT relied on Med-Voc Rule 203.28 as a guide.

(2) Claimant's vocational factors are: age—42; education—10th grade; post high school education—GED; work experience—motel maid, waitress and assembly line worker for an RV manufacturing company.

(3) Claimant has not performed substantial gainful activity (SGA) since 2007 when she worked as a motel maid.

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

- (a) Back dysfunction;
- (b) Degenerative disc disease;
- (c) Bulging disc;
- (d) Post Traumatic Stress Disorder (PTSD);
- (e) Sleep dysfunction;
- (f) Depression;
- (g) Panic attacks;
- (h) Anxiety disorder.

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

OBJECTIVE MEDICAL EVIDENCE (February 9, 2009)

SHRT decided that claimant was able to perform unskilled medium work. SHRT evaluated claimant's eligibility using the SSI Listings at 20 CFR 404, Subpart P, Appendix. SHRT decided that claimant does not meet any of the applicable listings. SHRT denied disability based on Med-Voc Rule 203.28.

(6) Claimant lives with her aunt and uncle and performs the following Activities of Daily Living (ADLs): dressing, bathing, cooking, light cleaning (sometimes), laundry and grocery shopping (needs help). Claimant does not use a cane, walker, wheelchair or shower stall. She does not wear braces. Claimant did not receive in-patient hospital services in 2008 or 2009.

(7) Claimant has a valid driver's license but does not drive. Claimant is not computer literate.

- (8) On May 6, 2009, SHRT approved claimant for MA-P/SDA.

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).

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).

Since SHRT has determined that claimant is disabled for MA-P/SDA 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 applicable 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/SDA purposes for the reasons stated above.

The local office shall obtain current medicals and review claimant's eligibility for ongoing MA-P/SDA on June 1, 2011.

SO ORDERED.

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

Date Signed: June 15, 2009

Date Mailed: June 16, 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.

2009-10908/jws

JWS/tg

cc:

