

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.: 2009-16323
Issue No.: 2009, 4031
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date:
June 10, 2009
Wayne County DHS (18)

ADMINISTRATIVE LAW JUDGE: Colleen M. Mamelka

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon the Claimant's request for a hearing. After due notice, a telephone hearing was conducted from Detroit, Michigan on June 10, 2009. The Claimant appeared and testified. [REDACTED] appeared on behalf of the Department.

ISSUES

Whether the Department properly determined that the Claimant was not disabled for purposes of Medical Assistance ("MA-P") and State Disability Assistance ("SDA") programs for the month of September 2008?

FINDINGS OF FACT

The Administrative Law Judge, based upon the competent, material and substantial evidence on the whole record, finds as material fact:

1. The Claimant submitted a public assistance application seeking MA-P and SDA benefits on December 4, 2008.

2. On February 2, 2009, the Medical Review Team (“MRT”) determined the Claimant was not disabled finding the Claimant’s impairment(s) did not prevent employment for 90 days or more for SDA purposes and finding the Claimant capable of performing other work for MA-P purposes. (Exhibit 1, pp. 3, 4)
3. On February 5, 2008, the Department sent the Claimant an eligibility notice informing the Claimant that his MA-P and SDA benefits were denied. (Exhibit 1, p. 2)
4. On February 13, 2009, the Department received the Claimant’s Request for Hearing protesting the determination that he was not disabled. (Exhibit 1, p. 1)
5. On April 15, 2009, the State Hearing Review Team (“SHRT”) found the Claimant disabled. (Exhibit 2)
6. On April 21, 2009, a Summary Order of Partial Disposition was entered requiring the Department to immediately implement the eligibility determination of SHRT but requiring a hearing be held to determine eligibility for September of 2008. (Exhibit 4)
7. At the time of the hearing, the Claimant was 45 years old with a [REDACTED] birth date; was 6’2” in height; and weighed approximately 292 pounds.
8. The Claimant’s alleged disabling impairments are due, in part, to uncontrolled hypertension, gouty arthritis, chronic sinusitis, obesity, chronic cervical, lumbar, knee, and hip pain, headaches, stress and depression.

CONCLUSIONS OF LAW

The Medical Assistance (“MA”) program is established by Subchapter XIX of Chapter 7 of The Public Health & Welfare Act, 42 USC 1397, and is administered by the Department of Human Services (“DHS”), formally known as the Family Independence Agency, 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”).

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) The person claiming a physical or mental disability has the burden to establish it through the use of competent medical evidence from qualified medical sources such as his or her medical history, clinical/laboratory findings, diagnosis/prescribed treatment, prognosis for recovery and/or medical assessment of ability to do work-related activities or ability to reason and make appropriate mental adjustments, if a mental disability is alleged. 20 CFR 413.913 An individual’s subjective pain complaints are not, in and of themselves, sufficient to establish disability. 20 CFR 416.908; 20 CFR 416.929(a) Similarly, conclusory statements by a physician or mental health professional that an individual is disabled or blind, absent supporting medical evidence, is insufficient to establish disability. 20 CFR 416.929(a)

When determining disability, the federal regulations require several factors to be considered including: (1) the location/duration/frequency/intensity of an applicant’s pain; (2) the type/dosage/effectiveness/side effects of any medication the applicants takes to relieve pain; (3) any treatment other than pain medication that the applicant has received to relieve pain; and (4) the effect of the applicant’s pain on his or her ability to do basic work activities. 20 CFR 416.929(c)(3) The applicant’s pain must be assessed to determine the extent of his or her functional limitation(s) in light of the objective medical evidence presented. 20 CFR 416.929(c)(2)

In order to determine whether or not an individual is disabled, federal regulations require a five-step sequential evaluation process be utilized. 20 CFR 416.920(a)(1) The five-step analysis requires the trier of fact to consider an individual's current work activity; the severity of the impairment(s) both in duration and whether it meets or equals a listed impairment in Appendix 1; residual functional capacity to determine whether an individual can perform past relevant work; and residual functional capacity along with vocational factors (i.e. age, education, and work experience) to determine if an individual can adjust to other work. 20 CFR 416.920(a)(4); 20 CFR 416.945

In this case, the Claimant did not receive and treatment nor incur any medical expenses for the month of September 2008. That being said, the Summary Order for Partial Disposition requires a determination regarding the Claimant's eligibility for the month of September 2008. The SHRT found the Claimant disabled based upon the opinion evidence from the Claimant's treating sources. 20 CFR 416.927. The medical documentation from the treating sources and other relevant medical records cover the period from 1991 through July 2008 with one Medical Examination Report completed in December of 2008. Ultimately, it is found that in light of the foregoing and in reliance of 20 CFR 416.927, it is found that the Claimant met the federal disability criteria for the month of September 2008.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Claimant meets the definition of medically disabled under the MA-P program for the month of September 2008.

Accordingly, it is ORDERED:

1. The department's determination is REVERSED for the month of September 2008.

2. The Department shall initiate, if not previously completed, review of the the December 4, 2008 (if not previously completed) to determine if all other non-medical criteria are met for the month of September 2008 and inform the Claimant of the determination.
3. The Department shall supplement the Claimant any lost benefits (if any) he was entitled to receive if otherwise eligible and qualified in accordance with department policy.

/s/

Colleen M. Mamelka
Administrative Law Judge
for Ishmael Ahmed, Director
Department of Human Service

Date Signed: 06/17/09

Date Mailed: 06/17/09

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 mailing 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.

CMM/jlg

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