

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: 2009-2559  
Issue Code: 2009  
Case No: [REDACTED]  
Load No: [REDACTED]  
Hearing Date:  
December 11, 2008  
Wayne County DHS

ADMINISTRATIVE LAW JUDGE: Rhonda 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, an in-person hearing was held and claimant appeared and testified. Claimant was represented by [REDACTED] with [REDACTED]. The record closed on June 10, 2009.

ISSUE

Is claimant disabled for the purpose of the Medical Assistant (MA) program?

FINDINGS OF FACT

1. Claimant applied for Medical Assistance benefits on April 15, 2008 retroactive to January 2008.
2. Claimant's impairments have been medically diagnosed as Major Depression, Bipolar disorder, Anxiety, Hydrocephalus, and Chronic headaches (Migraines).
3. Claimant has the following emotional symptoms: poor memory, poor concentration, panic attacks (3-4 times a month), anhedonia, crying spells,

episodes of confusion, episodes of anger, nervousness, fatigue, sleep disturbances, low self esteem, suicidal thoughts, social isolation, feelings of guilt, and paranoia.

4. Claimant's physical symptoms are: severe headaches (sometimes lasting constantly for a month), dizziness, blurred vision, blackouts, vomiting (2-5 times a week), shortness of breath, and poor balance.
5. Claimant's impairment's will last or have lasted for a continuous period of not less than twelve months.
6. Claimant is 25 years of age.
7. Claimant has an 8th grade education.
8. Claimant has employment experience as child care worker, fast food restaurant worker, and waitress.
9. Claimant has significant limitations on physical activities involving standing (no more than 20 minutes at a time). Claimant must stay posed in a certain position to allow the water in her brain to drain more efficiently.
10. The department found that claimant was not disabled and denied claimant's application on July 1, 2008.
11. Upon claimant's request for a hearing, medical evidence was submitted to the State Hearing Review Team. The State Hearing Review Team 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 (formerly known as the Family Independence Agency) 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 2001 PA 82. 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).

The Department of Human Services conforms to state statute in administering the State Disability Assistance program.

2000 PA 294, Sec. 604, of the statute states:

Sec. 604. (1) The department shall operate a state disability assistance program. Except as provided in subsection (3), persons eligible for this program shall include needy citizens of the United States or aliens exempted from the supplemental security income citizenship requirement who are at least 18 years of age or emancipated minors meeting 1 or more of the following requirements:

- (a) A recipient of supplemental security income, social security, or medical assistance due to disability or 65 years of age or older.
- (b) A person with a physical or mental impairment which meets federal supplemental security income disability standards, except that the minimum duration of the disability shall be 90 days. Substance abuse alone is not defined as a basis for eligibility.

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.

All of the evidence relevant to the claim, including medical opinions, are 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).

If an individual has an impairment(s) which meets the durational requirement and is listed in Appendix 1 or is equal to a listed impairment(s), he or she is found disabled without considering age, education and work experience. 20 CFR 416.920(d).

In the present case, this Administrative Law Judge does find disability based solely on the medical evidence. In addition to claimant's severe physical impairments of Hydrocephalus

and chronic migraines, claimant has been diagnosed with severe recurrent major depressive disorder and bipolar disorder. Claimant has numerous symptoms as a result of this condition as described above. Claimant testified that she has had emotional illness all of her life. A witness testified that claimant had frequent emotional outbursts. Claimant's physician noted that claimant's prognosis was guarded. The physician gave claimant a Global Functioning Assessment score of 50. This indicates serious symptoms or serious impairment in social, occupational, or school functioning. Claimant's impairment, therefore, does meet or is the medical equivalent of a listed impairment as set forth in appendix 1 section 12.04. Claimant is disabled for the purposes of the Medical Assistant program.

DECISION AND ORDER

The Administrative Law Judge, based of the Findings of Fact and Conclusions of law, decides that the claimant is medically disabled under the Medical Assistance program as of January 1, 2008.

IT IS ORDERED that the department initiate a review of the application dated April 15, 2008, if not done previously, to determine claimant's non-medical eligibility. The department shall inform the claimant of the determination in writing. The case shall be reviewed in June 2010.

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

Date Signed: 06/24/09

Date Mailed: 07/08/09

**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.

RC/dj

cc:

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