

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: 2010-16520
Issue No: 4031
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
March 3, 2010
Hillsdale 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, an in-person hearing was held on March 3, 2010 in Hillsdale. Claimant personally appeared and testified under oath.

The department was represented by Linda Cunningham (FIM).

Claimant requested additional time to submit new medical evidence. Claimant waived the timeliness requirement so her new medical evidence could be reviewed by SHRT. After the hearing, SSA approved claimant for RSDI. The disability onset date is August 2, 2008.

ISSUES

- (1) Did claimant establish a severe mental impairment expected to preclude her from substantial gainful work, **continuously**, for 90 days (SDA)?
- (2) Did claimant establish a severe physical impairment expected to preclude her from substantial gainful work, **continuously**, for 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 SDA applicant (July 28, 2009) who was denied by SHRT (February 3, 2010) based on claimant's failure to establish an impairment which meets the severity and duration requirements (insufficient evidence). Claimant requests SDA July 2009.
- (2) Claimant's vocational factors are: age--52; education--high school diploma; post high school education--none; work experience--bookkeeper.
- (3) Claimant has not performed Substantial Gainful Activity (SGA) since 2007 when she was a bookkeeper.
- (4) Claimant has the following unable-to-work complaints:
 - (a) Obesity;
 - (b) Diabetes;
 - (c) Arthritis;
 - (d) Fibromyalgia;
 - (e) Sleep apnea;
 - (f) Foot pain;
 - (g) Bipolar disorder;
 - (h) Anxiety.
 - (i) Panic attacks.
- (5) In February 2009, SSA approved for RSDI with disability onset date of August 2, 2008.

CONCLUSIONS OF LAW

LEGAL BASE

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).

In February 2009, SSA approved RSDI with disability onset date of August 2, 2008. Therefore, this ALJ does not have jurisdiction 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 SDA disability requirements under PEM 261. Claimant is disabled for SDA purposes based on the recent RSDI approval by SSA.

Accordingly, the department's denial of claimant's SDA application is, hereby, REVERSED.

The department shall open claimant's SDA case, effective July 2009, if claimant meets the DHS financial requirements.

SO ORDERED.

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

Date Signed: August 23, 2010

Date Mailed: August 23, 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 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.

2010-16520/JWS

JWS/tg

cc:

