

**STATE OF MICHIGAN  
MICHIGAN ADMINISTRATIVE HEARING SYSTEM  
ADMINISTRATIVE HEARINGS FOR THE  
DEPARTMENT OF HUMAN SERVICES**

**IN THE MATTER OF:**

[REDACTED]

Reg. No.: 2010-53411  
Issue No.: 2009  
Case No.: [REDACTED]  
Hearing Date: January 20, 2011  
DHS County: Oakland (63-02)

**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 hearing was held in Madison Heights, Michigan, on Thursday, December 16, 2010. The Claimant appeared, along with [REDACTED], and testified. [REDACTED] appeared on behalf of the Department of Human Services ("Department").

During the hearing, the Claimant waived the time period for the issuance of this decision in order to allow for the submission of additional medical records. The evidence was received, reviewed, and forwarded to the State Hearing Review Team ("SHRT") for consideration. On June 1, 2011, the SHRT found the Claimant disabled. This matter is now before the undersigned for a final decision.

**ISSUE**

Whether the Department properly determined that the Claimant was not disabled for purposes of the Medical Assistance ("MA-P") benefit program?

**FINDINGS OF FACT**

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

1. The Claimant submitted an application for public assistance seeking MA-P benefits on January 26, 2010, and June 1, 2010.
2. On July 7, 2010, the Medical Review Team ("MRT") deferred the disability determination requesting additional medical evidence. (Exhibit 1, pp. 29, 30)

3. On August 16, 2010, the MRT found the Claimant not disabled. (Exhibit 1, pp. 1, 2)
4. On August 21, 2010, the Department notified the Claimant of the MRT determination.
5. On August 30, 2010, the Department received the Claimant's timely written request for hearing. (Exhibit 2)
6. On September 23, 2010, the SHRT found the Claimant not disabled. (Exhibit 3)
7. The Claimant alleged physical disabling impairments due to left "frozen" shoulder, knee pain, back pain status post surgeries, arthritis, radiculopathy, high blood pressure, chest pain, skin rash/hives, insomnia, and headaches.
8. The Claimant alleged mental disabling impairments due to anxiety and depression.
9. At the time of hearing, the Claimant was 51 years old with a [REDACTED], birth date; was 5'7½" in height; and weighed 150 pounds.
10. The Claimant is a high school graduate with an employment history cleaning homes and working as a line supervisor in factories.
11. On June 1, 2011, the SHRT found the Claimant disabled.

### **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, formerly known as the Family Independence Agency, pursuant to MCL 400.10 *et seq.* and MCL 400.105. Department policies are found in the Bridges Administrative Manual ("BAM"), the Bridges Eligibility Manual ("BEM"), and the Bridges Reference Manual ("BRM").

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 416.927.

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 applicant 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 (e.g., 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 SHRT found the Claimant disabled; therefore, because of the SHRT determination, it is not necessary for the Administrative Law Judge to discuss the issue of disability pursuant to BAM 600. The Claimant meets the MA-P disability standard based on SHRT's determination effective March 2010. Accordingly, the Department is required to initiate a determination of the Claimant's financial eligibility for the requested benefits, if not previously completed.

### **DECISION AND ORDER**

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds the Claimant meets the definition of medically disabled under the MA-P benefit program effective March 2010.

Accordingly, it is Ordered:

1. The Department shall initiate, if not previously completed, review of the January 26, 2010, application to determine if all other non-medical criteria are met and inform the Claimant of the determination in accordance with Department policy.
2. The Department shall supplement for lost benefits (if any) that the Claimant was entitled to receive if otherwise eligible and qualified in accordance with Department policy.
3. The Department shall review the Claimant's continued eligibility in July 2012.

*Colleen M. Mamelka*

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**Colleen M. Mamelka**  
Administrative Law Judge  
For Maura Corrigan, Director  
Department of Human Services

Date Signed: June 14, 2011

Date Mailed: June 20, 2011

**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/pf

cc:

