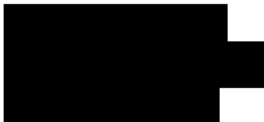


STATE OF MICHIGAN  
MICHIGAN ADMINISTRATIVE HEARING SYSTEM  
ADMINISTRATIVE HEARINGS FOR THE  
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:



Reg. No: 20119225  
Issue No: 4031  
Case No: [REDACTED]  
Hearing Date March 1, 2011  
Genesee County DHS

**ADMINISTRATIVE LAW JUDGE:** William A. Sundquist

**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 held on March 1, 2011. The Claimant appeared and testified.

**ISSUE**

Was disability medically established?

**FINDINGS OF FACT**

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

- (1) Claimant applied for SDA on June 2, 2010, and was denied on November 3, 2010, per BEM 261, and requested a hearing on November 23, 2010.
- (2) Claimant is age 29 and has a 12<sup>th</sup> grade education.
- (3) Claimant is currently unemployed.
- (4) Claimant's employment was three to four years ago after a layoff; Claimant drew unemployment compensation benefits until expiration in April 2010.
- (5) Claimant's past employment for 15 years was semi-skilled work as a clerk at a gas station, cashier at Kmart, factory light work, and preparation of and serving of food in a nursing home.

- (6) Claimant's disabling mental complaints are: chronic nervousness around large groups of people, panic attacks, anxiety and depression (Medical Packet, Page 22).
- (7) Medical exam on [REDACTED], states the Claimant is limited in sustained concentration and social interaction; and that she has a history of severe anxiety, panic attacks, and will be referred to a psychiatrist for further details (Medical Packet, Page 21).
- (8) Medical exam on [REDACTED], states the Claimant has a GAF of 48 (Medical Packet, Page 5).
- (9) Medical exam on [REDACTED], states the Claimant has a GAF of 50 based on a diagnosis of panic disorder with a agoraphobia and major depressive disorder (Medical Packet, Pages 28-29).
- (10) SHRT report dated December 22, 2010, states the Claimant's impairments do not meet/equal a SS listing (Medical Packet, Page 31).

### **CONCLUSIONS OF LAW**

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).

The facts above are undisputed:

#### **DISABILITY**

A person is disabled for SDA purposes if he:

- . receives other specified disability-related benefits or services, or
- . resides in a qualified Special Living Arrangement facility, or
- . is certified as unable to work due to mental or physical disability for at least 90 days from the onset of the disability.
- . is diagnosed as having Acquired Immunodeficiency Syndrome (AIDS).

### **Onset of Disability**

In this case, the Claimant's unemployment compensation benefits (UCB) ended in April 2010. This ALJ takes official notice of the fact that as a condition for UCB eligibility, the recipient must be available for and able to work. She filed SDA application on June 2, 2010. So, during approximately one month before application, the Claimant claims she became medically unemployable.

There was no medical evidence introduced to establish the onset of Claimant's disability before or on date of application. The first medical reports establish a mental impairment was approximately one month after the application (June 2, 2010) on June 29, 2010. Otherwise, the medical reports addressing the mental impairment are more than 90 days after the application on [REDACTED], and [REDACTED].

Because the evidence of record does not establish that the Claimant was unable to work on date of application for a period exceeding 90 days, the Claimant does not meet the disability criteria for SDA.

Therefore, the Claimant has not established disability, as defined above, based on the necessary competent, material, and substantial medical evidence on the whole record.

### **DECISION AND ORDER**

The Administrative Law Judge, based upon the above findings of fact and conclusions of law decides that disability was not medically established.

Accordingly, SDA denial is UPHELD.

/s/  
William Sundquist  
Administrative Law Judge  
For Maura Corrigan, Director  
Department of Human Services

Date Signed: May 16, 2011

Date Mailed: May 17, 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 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.

WAS/ar

cc:

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