

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

IN THE MATTER OF:

Issue

[REDACTED]

Wayne

Reg No: 2011-27034

No: 2009, 4031

Case No: [REDACTED]

Hearing Date:

June 20, 2011

County DHS-43

ADMINISTRATIVE LAW JUDGE: Aaron McClintic

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 June 20, 2011. The Claimant appeared along with her friend [REDACTED] and both testified. [REDACTED] ES appeared on behalf of the Department.

ISSUE

Was the Department correct in denying Claimant's MA and SDA application?

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 applied for MA-P and SDA on October 18, 2010.
2. The Medical Review Team denied the applications on February 12, 2011.
3. Claimant filed a request for hearing on March 22, 2011 regarding SDA, MA.
4. A hearing was held on June 20, 2011.

5. On May 12, 2011 the State Hearing Review Team denied the application because Claimant was capable of performing simple, unskilled work.
6. Claimant is 5'6" tall and weighs 120 pounds.
7. Claimant is 47 years of age.
8. Claimant's impairments have been medically diagnosed as closed head injury, schizo-affective disorder, low back pain.
9. Claimant completed the 11th grade. Claimant was in special education classes.
10. Claimant is not able to read, write, and perform basic math skills.
11. Claimant received a full scale IQ score of 64, verbal IQ of 60 and performance IQ of 77 in January 2008.
12. Claimant is not currently working.
13. Claimant last worked as a house cleaner. The job duties included lifting up to 25lbs., standing, bending/stooping, grasping.
14. Claimant lives alone.
15. Claimant testified that she performs some household chores.
16. The Claimant's limitations have lasted for 12 months or more.
17. In a psychiatric assessment in October 2010 Claimant's treating psychiatrist Dr. Head gave her a GAF score of 46.
18. Claimant experiences auditory hallucinations, crying spells, suicidal thoughts, marked limitation in her memory and ability to concentrate, insomnia, and low self esteem.
19. Claimant cannot drive, needs help with paper work and navigating the city bus system.

CONCLUSIONS OF LAW

The Medical Assistance (MA-P) 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 administers the MA-P program pursuant to MCL 400.10, *et seq.*, and MCL 400.105. Department policies are found in the Program

Administrative Manual (BAM), the Program Eligibility Manual (BEM) and the Program Reference Manual (PRM).

The State Disability Assistance (SDA) program which provides financial assistance for disabled persons is established by 2004 PA 344. The 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 (BAM), the Program Eligibility Manual (BEM) and the Program Reference Manual (PRM).

The Department conforms to state statute in administering the SDA 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 uses the Federal Supplemental Security Income (SSI) policy in determining eligibility for disability under the MA-P 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 are 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.

Medical evidence may contain medical opinions. Medical opinions are statements from physicians and psychologists or other acceptable medical sources that reflect judgments about the nature and severity of the impairment(s), including symptoms, diagnosis and prognosis, what an individual can do despite impairment(s), and the physical or mental restrictions. 20 CFR 416.927(a)(2).

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).

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, Appendix 1, 12.00(C).

In this case, this Administrative Law Judge finds that Claimant may be considered presently disabled at the third step. Claimant meets listing 12.05C or its equivalent. This Administrative Law Judge will not continue through the remaining steps of the assessment. Claimant's testimony and the medical documentation support the finding that Claimant meets the requirements of the listing.

Therefore, Claimant is found to be disabled.


DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that Claimant is medically disabled as of October 2010.

Accordingly, the Department's decision is hereby REVERSED and the Department is ORDERED to initiate a review of the application dated October 18, 2010, if not done previously, to determine Claimant's non-medical eligibility. The

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Department shall inform Claimant of the determination in writing. A review of this case shall be set for June 2012.

Aaron 
Administrative
for
Department

McClintic
Law Judge
Maura Corrigan, Director
of Human Services

Date Signed: June 29, 2011

Date Mailed: June 29, 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 60 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.

AM/ctl

cc: 
Wayne County DHS (43)/1843


A. McClintic
Administrative Hearings