

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

**IN THE MATTER OF:**

[REDACTED]

Reg No.: 2011-46800  
Issue No.: 2009  
Case No.: [REDACTED]  
Hearing Date: November 17, 2011  
Oakland County DHS (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, November 17, 2011. 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 evidence. The records were forwarded to the State Hearing Review Team ("SHRT") for consideration. On May 8, 2012, this office received the SHRT determination which found the Claimant not 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 April 7, 2011.
2. On July 8, 2011, the Medical Review Team ("MRT") found the Claimant not disabled. (Exhibit 1, pp. 9, 10)

3. The Department notified the Claimant of the MRT determination on July 15, 2011. (Exhibit 1, pp. 7, 8)
4. On July 27, 2011, the Department received the Claimant's written request for hearing. (Exhibit 1, p. 3)
5. On September 9, 2011 and May 2, 2012, the SHRT found the Claimant not disabled. (Exhibit 2)
6. The Claimant alleged physical disabling impairments due to joint pain, right shoulder pain, shortness of breath, restricted lung disease, chest pain, angina, HIV, renal failure, and residual complications arising from a stroke.
7. The Claimant alleged mental disabling impairment (s) due to anxiety, bipolar disorder, and depression.
8. At the time of hearing, the Claimant was [REDACTED] years old with a [REDACTED] birth date; was 5'10" in height; and weighed 196 pounds.
9. The Claimant is a high school graduate with some college and vocational training with an employment history as a general laborer.
10. The Claimant's impairments have lasted, or are expected to last, continuously for a period of 12 months or longer.

### **CONCLUSIONS OF LAW**

The Medical Assistance program is established by Subchapter XIX of Chapter 7 of The Public Health & Welfare Act, 42 USC 1397, and is administered by the Department of Human Services, 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 Tables ("RFT").

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 416.913. 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 (i.e. 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.

If an individual is found disabled, or not disabled, at any step, a determination or decision is made with no need evaluate subsequent steps. 20 CFR 416.920(a)(4). If a determination cannot be made that an individual is disabled, or not disabled, at a particular step, the next step is required. 20 CFR 416.920(a)(4). If an impairment does not meet or equal a listed impairment, an individual's residual functional capacity is assessed before moving from step three to step four. 20 CFR 416.920(a)(4); 20 CFR 416.945. Residual functional capacity is the most an individual can do despite the limitations based on all relevant evidence. 20 CFR 416.945(a)(1). An individual's residual functional capacity assessment is evaluated at both steps four and five. 20 CFR 416.920(a)(4). In determining disability, an individual's functional capacity to perform basic work activities is evaluated and if found that the individual has the ability to perform basic work activities without significant limitation, disability will not be found. 20 CFR 416.994(b)(1)(iv). In general, the individual has the responsibility to prove disability. 20 CFR 416.912(a). An impairment or combination of impairments is not severe if it does not significantly limit an individual's physical or mental ability to do basic work activities. 20 CFR 416.921(a). The individual has the responsibility to provide evidence of prior work experience; efforts to work; and any other factor showing how the impairment affects the ability to work. 20 CFR 416.912(c)(3)(5)(6).

In addition to the above, when evaluating mental impairments, a special technique is utilized. 20 CFR 416.920a(a). First, an individual's pertinent symptoms, signs, and laboratory findings are evaluated to determine whether a medically determinable mental impairment exists. 20 CFR 416.920a(b)(1). When a medically determinable mental impairment is established, the symptoms, signs and laboratory findings that substantiate the impairment are documented to include the individual's significant history, laboratory findings, and functional limitations. 20 CFR 416.920a(e)(2). Functional limitation(s) is assessed based upon the extent to which the impairment(s) interferes with an individual's ability to function independently, appropriately, effectively, and on a sustained basis. *Id.*; 20 CFR 416.920a(c)(2). Chronic mental disorders, structured settings, medication, and other treatment and the effect on the overall degree of functionality is considered. 20 CFR 416.920a(c)(1). In addition, four broad functional areas (activities of daily living; social functioning; concentration, persistence or pace; and episodes of decompensation) are considered when determining an individual's degree of functional limitation. 20 CFR 416.920a(c)(3). The degree of limitation for the first three functional areas is rated by a five point scale: none, mild, moderate, marked, and extreme. 20 CFR 416.920a(c)(4). A four point scale (none, one or two, three, four or more) is used to rate the degree of limitation in the fourth functional area. *Id.* The last point on each scale represents a degree of limitation that is incompatible with the ability to do any gainful activity. *Id.*

After the degree of functional limitation is determined, the severity of the mental impairment is determined. 20 CFR 416.920a(d). If severe, a determination of whether the impairment meets or is the equivalent of a listed mental disorder is made. 20 CFR 416.920a(d)(2). If the severe mental impairment does not meet (or equal) a listed impairment, an individual's residual functional capacity is assessed. 20 CFR 416.920a(d)(3).

As outlined above, the first step looks at the individual's current work activity. In the record presented, the Claimant is not involved in substantial gainful activity, therefore, is not ineligible for disability benefits under Step 1.

The severity of the Claimant's alleged impairment(s) is considered under Step 2. The Claimant bears the burden to present sufficient objective medical evidence to substantiate the alleged disabling impairments. In order to be considered disabled for MA purposes, the impairment must be severe. 20 CFR 416.920(a)(4)(ii); 20 CFR 416.920(b). An impairment, or combination of impairments, is severe if it significantly limits an individual's physical or mental ability to do basic work activities regardless of age, education and work experience. 20 CFR 416.920(a)(4)(ii); 20 CFR 416.920(c). Basic work activities means the abilities and aptitudes necessary to do most jobs. 20 CFR 416.921(b). Examples include:

1. Physical functions such as walking, standing, sitting, lifting, pushing, pulling, reaching, carrying, or handling;
2. Capacities for seeing, hearing, and speaking;
3. Understanding, carrying out, and remembering simple instructions;
4. Use of judgment;
5. Responding appropriately to supervision, co-workers and usual work situations; and
6. Dealing with changes in a routine work setting.

*Id.*

The second step allows for dismissal of a disability claim obviously lacking in medical merit. *Higgs v Bowen*, 880 F2d 860, 862 (CA 6, 1988). The severity requirement may still be employed as an administrative convenience to screen out claims that are totally groundless solely from a medical standpoint. *Id.* at 863 citing *Farris v Sec of Health and Human Services*, 773 F2d 85, 90 n.1 (CA 6, 1985). An impairment qualifies as non-severe only if, regardless of a claimant's age, education, or work experience, the impairment would not affect the claimant's ability to work. *Salmi v Sec of Health and Human Services*, 774 F2d 685, 692 (CA 6, 1985).

In the present case, the Claimant alleges disability due to joint pain, right shoulder pain, shortness of breath, restricted lung disease, chest pain, angina, HIV, renal failure, residual complications arising from a stroke, anxiety, depression, and bipolar disorder. In support of his claim, older records were submitted from [REDACTED] which document treatment for back pain, HIV, migraines, hemorrhoids, anxiety, coronary artery disease, stroke [REDACTED] GERD, and chest pain.

On [REDACTED] an exercise stress echocardiogram revealed an ejection fraction of 50 to 60% and atrial septal defect.

On [REDACTED] an ultrasound revealed cholelithiasis (gallstones).

On [REDACTED] a Medical Examination Report was completed on behalf of the Claimant. The current diagnoses were HIV, status post atrial septal repair, and anxiety. The Claimant was found able to occasionally lift/carry under 10 pounds; stand and/or walk less than 2 hours in an 8 hour workday; sit less than 6 hours during this same time

2011-46800/CMM

frame; and able to perform repetitive actions with his extremities with the exception of pushing/pulling with his upper extremities.

On this same date, a Medical Needs Form was completed documenting diagnoses of HIV, status post atrial septal repair, and anxiety. The Claimant was found able to work with limitations. The limitations were not noted.

On [REDACTED] a letter was presented which confirmed treatment of generalized anxiety disorder with a Global Assessment Functioning ("GAF") of 55 – 60.

On [REDACTED] a psychological assessment resulted in the diagnoses of bipolar I disorder and generalized anxiety. The GAF was 60 – 65.

On [REDACTED] a Psychiatric/Psychological Examination Report was completed on behalf of the Claimant. The Claimant has impaired judgment and impulses which leads to aggressive/assaultive behavior as well as self-injurious behavior. Socially, the Claimant is challenged and he also has difficulty maintaining relationships, concentration, and in with his activities of daily living. The diagnoses were bipolar I disorder most recent episode mixed, severe; generalized anxiety disorder; and cocaine dependence.

On this same date, a Mental Residual Functional Capacity Assessment was completed. The Claimant was marked limited in 11 of the 20 factors and moderately limited in the remaining 9.

On [REDACTED] the Claimant's rehabilitation counselor for the Michigan Rehabilitative Services ("MRS") wrote a letter informing the Claimant that his case would close because he was not medically cleared from employment.

On [REDACTED] a pulmonary function test was performed which showed a Forced Expiratory Volume ("FEV<sub>1</sub>") of 3.34, 3.19, and 3.21 and the Forced Vital Capacity ("FVC") of 3.99, 3.96, and 3.74. After the treatment, the FEV<sub>1</sub> was 4.06 and the FVC was 5.15. The interpretation was low vital capacity possible due to restriction of lung volumes.

On [REDACTED] a Medical Examination Report was completed on behalf of the Claimant. The current diagnoses were bipolar disorder, generalized anxiety disorder, stroke, right-side weakness, HIV, angina, hyperlipidemia, hypertension, and osteoarthritis. The Claimant was in stable condition and able to meet his needs in the home.

On [REDACTED] a transesophageal echocardiogram was performed to determine whether his atrioseptal defect had opened. The study revealed an ejection

fraction of 55 to 60%; mildly dilated right ventricle; and mildly depressed right ventricle systolic function.

On [REDACTED] the Claimant's treating physician wrote a letter confirming a medical history of cerebral vascular accident, atrial septal defect status post repair, bipolar disorder, and generalized anxiety. An ultrasound revealed the repair of the atrial septal defect with new finding of a moderate sized patent foramen ovale which needs repair. The physician opined that closure of the defect could prevent another stroke.

On [REDACTED] a Medical Examination Report was completed on behalf of the Claimant. The current diagnoses were bipolar disorder, heart defect, generalized anxiety disorder, cerebral vascular accident ("CVA"), HIV, restricted lung disease, and depression. The physical examination documented fatigue, heart murmur with an ejection fraction of 60%, right lower and upper extremity weakness, slurred speech, and anxiety. The Claimant was in stable condition and able to occasionally lift/carry up to 25 pounds; sit for at least 2 hours in an 8 hour work day; and able to perform repetitive actions with his left upper extremity only with the exception on pushing/pulling. Mentally, the Claimant was limited in comprehension, memory, and in writing.

On [REDACTED] a Psychiatric/Psychological Examination Report was completed on behalf of the Claimant. The diagnoses were bipolar I disorder, generalized anxiety disorder, and cocaine dependence (in remission). The Claimant's current GAF was not provided; however, last year the GAF was 60.

As previously noted, the Claimant bears the burden to present sufficient objective medical evidence to substantiate the alleged disabling impairment(s). As summarized above, the Claimant has presented medical evidence establishing that he does have some physical and mental limitations on his ability to perform basic work activities. The medical evidence has established that the Claimant has an impairment, or combination thereof, that has more than a *de minimus* effect on the Claimant's basic work activities. Further, the impairments have lasted continuously for twelve months; therefore, the Claimant is not disqualified from receipt of MA-P benefits under Step 2.

In the third step of the sequential analysis of a disability claim, the trier of fact must determine if the Claimant's impairment, or combination of impairments, is listed in Appendix 1 of Subpart P of 20 CFR, Part 404. The Claimant has alleged physical and mental disabling impairments due to joint pain, right shoulder pain, shortness of breath, restricted lung disease, chest pain, angina, HIV, renal failure, residual complications arising from a stroke, anxiety, depression, and bipolar disorder

Listing 1.00 (musculoskeletal system), Listing 3.00 (respiratory system), Listing 4.00 (cardiovascular system), Listing 6.00 (genitourinary system), Listing 11.00 (neurologic disorders), and Listing 12.00 (mental disorders), and Listing 14.00 (autoimmune

disorders), were considered in light of the objective medical evidence. There were no objective findings of major joint dysfunction or nerve root impingement; ongoing treatment for shortness of breath; or persistent, recurrent, and/or uncontrolled (while on prescribed treatment) cardiovascular impairment. The record shows that the Claimant's most recent ejection fraction was 60 percent, which is above the required listing. Additionally, the record does not show three separate ischemic episodes which required revascularization (or were not amenable to treatment). Finally, the evidence does not show that the Claimant's symptoms persist despite prescribed treatment or that the Claimant has very serious limitations in his ability to independently initiate, sustain, or complete activities of daily living. Residual complications as a result of the [REDACTED] stroke are noted as right side weakness. Mentally, the records establish that the Claimant suffers with anxiety and bipolar disorder. The Claimant was markedly limited in his ability for sustained concentration and persistence (6 of 8 factors) and in social interaction (4 of 5 factors). Although the objective medical records establish physical and mental impairments, these records do not meet the intent and severity requirements of a listing, or its equivalent. Accordingly, the Claimant cannot be found disabled, or not disabled at Step 3; therefore, the Claimant's eligibility is considered under Step 4. 20 CFR 416.905(a).

Before considering the fourth step in the sequential analysis, a determination of the individual's residual functional capacity ("RFC") is made. 20 CFR 416.945. An individual's RFC is the most he/she can still do on a sustained basis despite the limitations from the impairment(s). *Id.* The total limiting effects of all the impairments, to include those that are not severe, are considered. 20 CFR 416.945(e).

To determine the physical demands (exertional requirements) of work in the national economy, jobs are classified as sedentary, light, medium, heavy, and very heavy. 20 CFR 416.967. Sedentary work involves lifting of no more than 10 pounds at a time and occasionally lifting or carrying articles like docket files, ledgers, and small tools. 20 CFR 416.967(a). Although a sedentary job is defined as one which involves sitting, a certain amount of walking and standing is often necessary in carrying out job duties. *Id.* Jobs are sedentary if walking and standing are required occasionally and other sedentary criteria are met. Light work involves lifting no more than 20 pounds at a time with frequent lifting or carrying objects weighing up to 10 pounds. 20 CFR 416.967(b). Even though weight lifted may be very little, a job is in this category when it requires a good deal of walking or standing, or when it involves sitting most of the time with some pushing and pulling of arm or leg controls. *Id.* To be considered capable of performing a full or wide range of light work, an individual must have the ability to do substantially all of these activities. *Id.* An individual capable of light work is also capable of sedentary work, unless there are additionally limiting factors such as loss of fine dexterity or inability to sit for long periods of time. *Id.* Medium work involves lifting no more than 50 pounds at a time with frequent lifting or carrying of objects weighing up to 25 pounds. 20 CFR 416.967(c). An individual capable of performing medium work is

also capable of light and sedentary work. *Id.* Heavy work involves lifting no more than 100 pounds at a time with frequent lifting or carrying of objects weighing up to 50 pounds. 20 CFR 416.967(d). An individual capable of heavy work is also capable of medium, light, and sedentary work. *Id.* Finally, very heavy work involves lifting objects weighing more than 100 pounds at a time with frequent lifting or carrying objects weighing 50 pounds or more. 20 CFR 416.967(e). An individual capable of very heavy work is able to perform work under all categories. *Id.*

Limitations or restrictions which affect the ability to meet the demands of jobs other than strength demands (exertional requirements, i.e. sitting, standing, walking, lifting, carrying, pushing, or pulling) are considered nonexertional. 20 CFR 416.969a(a). In considering whether an individual can perform past relevant work, a comparison of the individual's residual functional capacity with the demands of past relevant work. *Id.* If an individual can no longer do past relevant work the same residual functional capacity assessment along with an individual's age, education, and work experience is considered to determine whether an individual can adjust to other work which exists in the national economy. *Id.* Examples of non-exertional limitations or restrictions include difficulty to function due to nervousness, anxiousness, or depression; difficulty maintaining attention or concentration; difficulty understanding or remembering detailed instructions; difficulty in seeing or hearing; difficulty tolerating some physical feature(s) of certain work settings (i.e. can't tolerate dust or fumes); or difficulty performing the manipulative or postural functions of some work such as reaching, handling, stooping, climbing, crawling, or crouching. 20 CFR 416.969a(c)(1)(i) – (vi). If the impairment(s) and related symptoms, such as pain, only affect the ability to perform the non-exertional aspects of work-related activities, the rules in Appendix 2 do not direct factual conclusions of disabled or not disabled. 20 CFR 416.969a(c)(2). The determination of whether disability exists is based upon the principles in the appropriate sections of the regulations, giving consideration to the rules for specific case situations in Appendix 2. *Id.*

In this case, the Claimant alleged disability based on joint pain, right shoulder pain, shortness of breath, restricted lung disease, chest pain, angina, HIV, renal failure, residual complications arising from a stroke, anxiety, depression, and bipolar disorder. The Claimant testified that he is able to walk 100 feet; grip/grasp without issue in his left hand but has weakness in his right; sit for more than 2 hours; lift/carry less than 10 pounds; stand for less than 2 hours; and is able to squat but unable to bend. The most recent Medical Examination Report finds the Claimant able to occasionally lift/carry up to 25 pounds; sit for at least 2 hours in an 8 hour work day; and able to perform repetitive actions with his left upper extremity only with the exception on pushing/pulling. Conversely, the [REDACTED] Medical Examination Report placed the Claimant at less than sedentary activity. Mentally, the Claimant was limited in comprehension, memory, and in writing. After review of the entire record and considering the Claimant's testimony, it is found that the Claimant maintains the residual functional capacity to

perform at least unskilled, limited, sedentary work as defined by 20 CFR 416.967(a). Limitations being the alternation between sitting and standing at will.

The fourth step in analyzing a disability claim requires an assessment of the Claimant's residual functional capacity ("RFC") and past relevant employment. 20 CFR 416.920(a)(4)(iv). An individual is not disabled if he/she can perform past relevant work. *Id.*; 20 CFR 416.960(b)(3). Past relevant work is work that has been performed within the past 15 years that was a substantial gainful activity and that lasted long enough for the individual to learn the position. 20 CFR 416.960(b)(1). Vocational factors of age, education, and work experience, and whether the past relevant employment exists in significant numbers in the national economy is not considered. 20 CFR 416.960(b)(3).

The Claimant's prior employment was that of a general laborer. In consideration of the Claimant's testimony and Occupational Code, the prior employment is classified as unskilled light work. If the impairment or combination of impairments does not limit physical or mental ability to do basic work activities, it is not a severe impairment(s) and disability does not exist. 20 CFR 416.920. The objective evidence contains restrictions that would preclude employment at the light activity level. In light of the entire record and the Claimant's RFC (see above), it is found that the Claimant is unable to perform past relevant work. Accordingly, the Claimant cannot be found disabled, or not disabled, at Step 4.

In Step 5, an assessment of the Claimant's residual functional capacity and age, education, and work experience is considered to determine whether an adjustment to other work can be made. 20 CFR 416.920(4)(v). At the time of hearing, the Claimant was [REDACTED] years old and, thus, considered to be a younger individual for MA-P purposes. The Claimant is a high school graduate with some college and vocational training. Disability is found if an individual is unable to adjust to other work. *Id.* At this point in the analysis, the burden shifts from the Claimant to the Department to present proof that the Claimant has the residual capacity to substantial gainful employment. 20 CFR 416.960(2); *Richardson v Sec of Health and Human Services*, 735 F2d 962, 964 (CA 6, 1984). While a vocational expert is not required, a finding supported by substantial evidence that the individual has the vocational qualifications to perform specific jobs is needed to meet the burden. *O'Banner v Sec of Health and Human Services*, 587 F2d 321, 323 (CA 6, 1978). Medical-Vocational guidelines found at 20 CFR Subpart P, Appendix II, may be used to satisfy the burden of proving that the individual can perform specific jobs in the national economy. *Heckler v Campbell*, 461 US 458, 467 (1983); *Kirk v Secretary*, 667 F2d 524, 529 (CA 6, 1981) *cert den* 461 US 957 (1983). The age for younger individuals (under 50) generally will not seriously affect the ability to adjust to other work. 20 CFR 416.963(c).

In this case, the objective findings reveal that the Claimant had an atrial septal repaired and has diagnoses of HIV, anxiety, bipolar disorder, right-side weakness, angina,

hypertension, and osteoarthritis. Physically, the evidence places the Claimant at sedentary to less than sedentary activity. Mentally, the Claimant was limited in his ability to comprehend, remember, and in writing. The Claimant has impaired judgment and impulses which lead to aggressive/assaultive behavior, to include self-injurious behavior. Socially, the Claimant is challenged and he has difficulties in his activities of daily living. The Claimant was markedly limited in 11 factors on the Mental Residual Functional Capacity Assessment. In light of the foregoing, it is found that, at this point, due to the combination of physical and mental impairments and corresponding limitations, the Claimant is unable to meet the physical and mental requirements required to perform even sedentary work as defined in 20 CFR 416.967(a). Accordingly, the Claimant is found disabled at Step 5.

### **DECISION AND ORDER**

The Administrative Law Judge, based on the above findings of fact and conclusions of law finds the Claimant disabled for purposes of the MA-P benefit program.

Accordingly, it is ORDERED:

1. The Department's determination is REVERSED.
2. The Department shall initiate processing of the April 7, 2011 application to determine if all other non-medical criteria are met and inform the Claimant of the determination in accordance with Department policy.
3. 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.
4. The Department shall review the Claimant's continued eligibility in June 2013 in accordance with Department policy.

*Colleen M. Mamelka*

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

Date Signed: May 18, 2012

Date Mailed: May 18, 2012

2011-46800/CMM

**NOTICE:** Michigan Administrative Hearing System (MAHS) 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. MAHS 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. (60 days for FAP cases)

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.

Claimant may request a rehearing or reconsideration for the following reasons:

- A rehearing **MAY** be granted if there is newly discovered evidence that could affect the outcome of the original hearing decision.
- A reconsideration **MAY** be granted for any of the following reasons:
  - misapplication of manual policy or law in the hearing decision,
  - typographical errors, mathematical error, or other obvious errors in the hearing decision that effect the substantial rights of the claimant:
  - the failure of the ALJ to address other relevant issues in the hearing decision.

Request must be submitted through the local DHS office or directly to MAHS by mail at  
Michigan Administrative Hearings  
Reconsideration/Rehearing Request  
P. O. Box 30639  
Lansing, Michigan 48909-07322

CMM/cl

cc:

