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

## IN THE MATTER OF:



Reg. No.: Issue No.: Case No.: Hearing Date: County: 2012-78603 2009; 4031

January 9, 2013 Allegan

#### ADMINISTRATIVE LAW JUDGE: Vicki L. Armstrong

## **HEARING DECISION**

This matter is before the undersigned Ad ministrative Law Judge upon Claimant's request for a hearing made pursuant to Mi chigan Compiled Laws 400.9 and 400.37, which gov ern the administrative hearing a telephone hearing was commenced on January 9, 2013, from Lansing, Michigan. Claimant personally appeared and testified. Participants on behalf of the Department of Human Services (Department) included Lead Worker

## **ISSUE**

Whether the Department of Human Serv ices (the department) properly denied Claimant's application for Medical Ass istance (MA-P), Retro-MA and State Dis ability Assistance (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) On January 18, 2012, Claimant applied f or MA-P, Retro-MA and SDA benefits.
- (2) On September 5, 2012, the M edical Review T eam (MRT) denied Claimant's MA/Retro-MA applic ation indicating Claimant was capable of performing other work, pursuant to 20 CFR 416.920(f). SDA was denied due to lack of duration. (Depart Ex. A, pp 1-2).
- (3) On September 11, 2012, the department caseworker sent Claimant notice that his application was denied.
- (4) On September 13, 2012, Claim ant filed a request for a hearing to contest the department's negative action.

- (5) On October 26, 2012, the State Hearing Review Team (SHRT) upheld the denial of MA-P and Retro-MA benefits indicating Claimant retains the capacity to perform a wide range of simple unskilled work. S DA was denied due to lack of duration. (Department Exhibit B, pp 1-2).
- (6) Claimant has a history of bipolar disorder, cirrhosis of the liver, hepatitis C, and a bad back.
- (7) Claimant is a 51 year old man w hose birthday is Claimant is 5'9" tall and weighs 190 lbs. Claimant completed a h igh school equivalent education.
- (8) Claimant was appealing the denial of Social Security disability at the time of the hearing.

# 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, (DHS or department), pursuant to MCL 400.10 *et seq.* and MCL 400.105. Department policies are found in the Bridges Adminis trative Manual (BAM), the Bridges Elig ibility Manual (BEM), and the Reference Tables Manual (RFT).

The State Disability A ssistance (SDA) program which provides financial assistance for disabled persons is established by 2004 PA 344. The Department of Human Service s (DHS or department) admin isters the SDA program pursuant to MCL 400.10, *et seq.*, and Mich Admin Code, Rules 400.3151-400.3180. Department policies are found in the Bridges Administrative Manual (BAM), th *e* Bridges Eligibilit y Manual (BEM) and the Reference Tables Manual (RFT).

Current legislative amendments to the Act delineate eligibility criteria as implemented by department policy set forth in program manual s. 2004 PA 344, Se c. 604, es tablishes the State Disability Assistance program. It reads in part:

Sec. 604 (1). The department sha II operate a state di sability assistance program. Except as provided in subsection (3), persons eligible for this program shall includ e needy citizens of the United States or aliens exempt from the Supplemental Security Income citizenship re quirement who are at least 18 years of age or emanc ipated minors meeting one or more of the following requirements:

(b) A per son with a physical or mental impairment whic h meets federal SSI disab ility standards, exce pt that the minimum duration of the dis ability shall be 90 days. Substance abuse alone is not defined as a basis for eligibility.

Specifically, this Act provides minimal cash assistance to individuals with some type of severe, temporary disability which prevents him or her from engaging in substantial gainful work activity for at least ninety (90) days.

Disability is defined as the inability to do any substantial gainful activity by reason of any medically determinable physical or mental im pairment which can be expected to result in death or which has lasted or can be expect ed 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 esta blish it through the use of competent medical evidence from qualified medical sources such as his or her medical history, clinica l/laboratory findings, diagnosis/prescri bed treatment, prognosis for recovery and/or medical assessment of ability to do work-related ac tivities o r ability to reason and make appropriate mental adjustments, if a mental disability is alleged. 20 CRF 413.913. An individual's subjective pain com plaints ar e not, in and of themselves, sufficient to establish disab ility. 20 CF R 416.908; 2 0 CFR 4 16.929(a). Similarly, conclusor v 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, t he 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 ext ent 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 fivestep analysis requires the trier of fact to cons ider an individual's current work activit y; 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 det ermine whether an individual can perform past relev ant work; and residual functiona I capacity along with vocational factors (e.g., age, education, and work experienc e) 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 to evaluate subsequent steps. 20 CFR 416.920(a)(4). If that an individual is disabled, or not disabled, at a a determination cannot be made 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 indi vidual's residual functional capacity is assessed before moving from Step 3 to St ep 4. 20 CFR 416.920(a)(4); 20 CFR 416.945. Residual f unctional capacity is the most an indiv idual can do d espite the limitations based on all relevant evidence. 20 CF R 945(a)(1). An individual's residual functional capacity assessment is evaluat ed at both Steps 4 and 5. 20 CFR 416.920(a)(4). In determining disability, an i ndividual's functional capacity to perform basic work activities is evaluated and if found that the individ ual h as 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 indi vidual has the responsibility to prove disability. 20 CFR 4 16.912(a). An impairment or combi nation of impairments is not severe if it does not signific antly limit an i ndividual's physical or m ental ability to do basic work activities. 20 CFR 416.921(a). The in dividual 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).

As outlined above, the first step looks at the i ndividual's current work activity. In the record presented, Claimant is not involved in substantial gainful activity and testified that he has not worked s ince before going to pris on in 2007. He was unable to give a specific month or year he last worked, stating only that he mowed lawns. Therefore, he is not disqualified from receiving disability benefits under Step 1.

The severity of the individ ual's alleged impairment(s) is considered under Step 2. The individual bears the burden to present sufficient objective medical evidence to substantiate the alleged disa bling impairments. In order to be considered disabled for MA purpos es, the impairment must be seve re. 20 CFR 916. 920(a)(4)(ii); 20 CFR 916.920(b). An impairment, or combination of impairments, is severe if it significantly limits an in dividual's physical or mental ability to do basic work activities regardless of age, education and work experience. 20 CFR 916.920(a)(4)(ii); 20 CFR 916.920(c). Basic work activities means the abilities and aptitudes necessary to do most jobs. 20 CFR 916.921(b). Examples include:

- 1. Physical functions such as walk ing, 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 di sability claim obviously lacking in medical merit. *Higgs v Bowe n*, 880 F2d 860, 862 (CA 6, 1988). The severity requirement may still be employed as an admin istrative 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 S ervices*, 773 F2d 85, 90 n.1 (CA 6, 1985). An impairment qualif ies 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, Claimant al leges disability due t o bipolar disorder, cirrhosis of the liver, hepatitis C, and a bad back.

On January 14, 2011, Claimant went the rough int ake admis sion at the **sector** (**Sector** (**Berne** He presented with depression and anxiety. His appearance was appropriate and he was oriented to person, place, time and situation. His behav ior and psychomotor behaviors were unremarkable. His speec h and affe ct were appropriate. His mood was anxious and depressed. His memory was intact. Reasoning, impulse control, judgment, and insi ght were good. His self-perception was realistic. His thought processes were lo gical and thought content unremarkable. He was receiving hepatitis C treatment and reported to be responding well to the treatment. He was c ooperative and compliant with treat ment. Diagnosis: Axis I: Depressive disorder; Alcohol dependence; Axis II: Personality disorder; Axis V: GAF=61.

On June 21, 2011, Claimant followed up with infectious disease concerning his hepatitis C treatment. He will complete treatment in two days. On 6/9/11, TSH was 2.4, albumin 4.2, alk pho 72, creatinine 0.8, total bili 0. 9, ALT 6, AST 18, INR 0.92, hemoglobin 10.4, platelets 119k and A NC 1630. On 2/17/ 11, he had dose number 30. The following week on 2/22/11, the HCV RNA was undetectable at less than 614 IU per mL by bDNA. He had the same result on 2/ 25/11 when apparently it was repeated accidentally. He had two teeth pulled about ten days ago and that has not caused any problem. He has not had trouble with bleeding or infection. He has some mild dyspnea with exertion. No decreased vision or hearing. No generalized rash. He was reminded that the ribavirin and pegy lated interferon side effects will c lear over 4-6 weeks follo wing the end of treatment, but that the ribavirin persists in the testicle s for six months after the end of the treatment. That is the same six months when it is no t known if he has fully cleared the virus so he must be careful not to transmit it to others. He ex pects to be in prison during that time so it should not be an issue.

On January 27, 2012, Claimant was informed t hat the treatment for his hepatitis C did not result in suppression of the virus. He was informed that under the guidelines he does meet the criteria for continued treatment with peginton for hepatitis.

On May 29, 2012, Claimant was seen in heal thcare services regarding his upcoming discharge from prison in July , 2012. Claimant agreed to be more forthcoming with prescribing physician. Claimant was seen r egarding his mental h ealth functioning and any potential benefit from psychotropic interventions. Claimant admits he is depressed and hearing voices. He admits he had not been forthcoming, which he reported he had not been because of his sense of discoura gement. Claimant has a poor appetite and sleeps in 2-3 hour intervals. His speech is monotone. His affect is constricted and his mood is anxious and depress ed. His memory is intact. He is cooperative but discouraged. His reasoning, impulse control and insight are fair. He has auditory and visual hallucinations. Thought content reveals paranoia. He has auditory hallucinations daily which are derogatory. His visual hallucinations are less intense. Diagnosis: Axis I: Bipolar, manic in partial remission; Po lysubstance dependence; Axis II: Personality Disorder; Axis V: GAF=51.

On July 13, 2012, Claimant's discharge summa ry from prison indicates Claimant has been receiving mental health services through the outpatient ment al health program sinc e 1/16/2008. Claimant is being within the released because he reached his maximum sent ence. Primary focus of treatment ha s been the r eduction or elimination of depressive and anxiety symptoms to improve his daily functioning and to addre ss his substance abus e risk factors. He was maintained on a combination of p sychotropic medication and cognit ive behavioral therapy until he was diagnosed with hepatitis C and began Interferon treatment. A review of his medical records shows that he has been off psychotropic medications since June. 2011. He has cirrhosis of the liver and his current liver functioning prevents him from taking medication to address his mental health n eeds. He states that he has under-reported his mental health symptoms throughout his incarceration so that his security level would be reduced so he would hav e more freedoms within the prison setting. He currently reports symptoms of depression and anxiet y, and also states that he experiences auditory halluc inations that are persecutory in nature. He states that he copes with these hallucinations and that he is able to ignore th e voices he hears by praying, reading books, and by talking with friends. He does note t hat he occasionally gets into a dialogue with the voices telling them to leave him alone.

On July 18, 2012, Claimant presented to reporting that he was extreme anxiety, i rritation, anger, and released from prison yesterday and has depression. He reported that when he is in a deep depression, he has self-derogatory thoughts about being worthless which he attributes to Sa tan. Claimant was we Ш groomed and cooper ative with average eye contact. His speech was c lear. He reported that in the past he saw the devil, ghosts, had self-deprecating thoughts/voices and once while in jail a little guy came out of the ground. The examining t herapist MA, LLP completing Claimant's intake noted t hat Claimant's statements and s elf-report of history do not support enough evidence for psychosis with the belief that the incidents may be anxiety-provoked or substance induced related. Diagnosis: Axis I: Alcohol dependence; Mood disorder; Axis II: Antisocial traits; Axis III: Hepatitis C, liver problems, headaches, history of head injuries; Axis IV: Transitioning from pr ison; Axis V: GAF=47.

On December 27, 2012, a licen sed in wrote that he had been wrote that he had been meeting with Claimant since December 13, 2012. The counselor wrote that he had been in session with Claimant regarding Claim ant's anxiety and depres sion issues, along with his substance abuse history. The counselor opined that Claimant's condition is long term and will require ongoing attention and treatment.

On January 4, 2013, a physician in **Constant of Wey Sector** wrote that Claimant is now under his care. Claimant has hepatit is C and bipolar disor der. Treatment of hepatitis C may result in depression. Therefor e, he must have optimal treatm ent of his bipolar disorder prior to initiating treatment of his hepatitis C. In the meantime, he is bothered by fatigue from hepatitis C and the issues presented by his bipolar disorder. He finds these features incompatible with work ing at this time. It will take some time to control the bipolar disorder before beginn ing treatment of t he hepatitis C. In addition, he may experience signific ant side effects from the hepatitis C therapy. The therapy for hepatitis C lasts one year. T he physician opined that he do es not know what level of function Claimant will eventual ly achiev e. This depends on s everal aspects of his health including his cirrhosis. While his liver may recover and begin repair after hepatitis C treatment and resolution this may ta ke considerable time, perhaps years. It seems that the bipolar disorder is making hi m miserable. To further complicate this problem, his other physicians have not been able to find appropriate therapy for his bipolar disorder in view of his cirrhosis.

As previously noted, Claimant bears the burden to pr esent sufficient objective medical evidence to substantiate the alleged disab ling impair ment(s). As summarized abov e, Claimant has present ed some limited medical evidence establishing that he does hav e some physical limitations on hi s ability to perform basic work a ctivities. T he medical evidence has established that Claimant has an impairment, or combination thereof, that has more than a *de minimis* effect on the Claimant 's basic work activities. Further, the impairments have las ted continuous ly for twelve months; t herefore, Claim ant is not disqualified from receipt of MA-P benefits under Step 2.

In the third step of the seque ntial an alysis of a disability claim, the trier of fact must determine if the indiv idual's impairment, or combination of impairments, is listed in Appendix 1 of Subpart P of 20 CF R, Part 404. Claim ant has alleged physical an d mental disabling impairments due to bipolar disorder, cirrhosis of the liver, hepatitis C, and a bad back. It should be noted that t here was no ev idence of back problems in Claimant's medical records.

Listing 1.00 (musculoskeletal system), Listing 5.00 (digestive system), and Listing 12.00 (mental disorders) were cons idered in light of the objective evidence. Based on the foregoing, it is found that Claimant's impairment(s) does not meet the intent and severity requirement of a listed impairment; therefore, Claimant cannot be found disabled, or not disabled, at Step 3. Accord ingly, Claimant's eligibility is considered under Step 4. 20 CFR 416.905(a).

The fourth step in analyzing a disability claim requires an assessment of the individual's residual f unctional capacity ("RFC") and pas t relevant employment. 20 CF R 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 lear n the position. 20 CF R 416.960(b)(1). Vocational fact ors of age, education, and work experience, and whet her the past relevant employment exists in significant numbers in the national economy are not considered. 20 CFR 416.960(b)(3). RFC is as sessed based on impairment(s) and any r elated symptoms, such as p ain, which may cause physical and mental limitations that affect what can be done in a work setting. RFC is the most that can be done, despite the limitations.

To determine the physical demands (exertional requirements) of work in the national economy, jobs are c lassified as sedentary, light, medium, heavy, and very heavy. 2 0 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 r equired 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 invo lves sit ting 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 additional 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 c apable 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 r equirements, e.g., si tting, standing, walking, lifting carrying, pushing, or pulling) are consider ed nonexertional. 20 CFR 416.969a(a). In considering whether an individual can perform past relevant work, a comparis on of the individual's residual functional capacity to the demands of past relevant work must be made. Id. If an individual can no longer do past relevant work, the same residua | functional capacity assessment along wit h an individual's age, education, and work experience is considered to determine whet her an individual can adjust to other work which exists in the national economy. Id. Examples of non-exer tional limitations or restrictions include difficulty functioni ng due to nervousness. an xiousness, or depression; difficulty maintaining attention or concent ration; difficulty understanding or remembering detailed instructions; difficulty in seeing or hearing; difficulty tolerating some physical feature(s) of certa in work settings (e.g., can't tolerate dust or fumes); or difficulty performing the manipulative or po stural functions of some work such as g, crawling, or crouchin reaching, handling , stooping, climbin g. 20 CF R 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 aspec ts of work-related activities, the rules in Appendix 2 do not direc t factual conc lusions of disabled or not dis abled. 20 CFR 416.969a(c)(2). The dete rmination 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.

Claimant has a history of less than gainful employment. As such, there is no past work for Claima nt to perform, nor are there past work skills to t ransfer to other work occupations. Accordingly, Step 5 of the sequential analysis is required.

In Step 5, an assessment of the individua l's residual functional capac ity and age, education, and work experience is consider ed to determine whet her an adjustment to other work can be made. 20 CFR 416.920(4)(v).

At the time of hearing, Cla imant was 51 y ears old and was, thus, considered to be approaching advanced age for MA-P purposes. Claimant has a high school equivalent education. Disability is found if an individual is unable to adjust to other work. Id. At this point in the analy sis, the burden shifts from 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 Healt h and Human Services, 735 F2d 962, 964 (CA 6, 1984). While a vocational exper t is not required, a f inding 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). Medica I-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 j obs in the national ec onomy. Heckler v Campbell, 461 US 458, 467 (1983); Kirk v Secretary, 667 F2d 524, 529 (CA 6, 1981) cert den 461 US 957 (1983).

Where an indiv idual has an impairment or combination of impairments that results in both strength limitations and non-exertional limitations, the rules in Subpart P are considered in determining whet her a finding of disabled may be possible based on the strength limitations alone, and if not, the rule(s) reflecting the individual's maximum residual st rength capabilities, age, education, and work experience, provide the framework for consideration of how much diminished in terms of any type of jobs that consideration must be given to all relevant for each factor.

In this case, the evidence reveals that Claim ant suffers from bipolar disorder, cirrhosis of the liver, hepatitis C, and a bad back. The objective medical evidence lists no restrictions. It is also noted that Claimant had not been on any psy chotropic medications while taking the hepatitis C trea tment and his medic al records consistently stated no unusual anxiety or evidence of depression throughout his hepatitis C treatment.

In light of the foregoing, it is found that Claimant mainta ins the residual functional capacity for work activities on a regular and continuing basis which includes the ability to meet the phys ical and ment al demands required to perform at least light work as defined in 20 CF R 416.967(b). After review of the ent ire record using the Medical-Vocational Guidelines [20 CFR 404, Subpar t P, Appendix II] as a gu ide, specifically Rule 202.13, it is found that Claimant is not disable d for purposes of the MA-P program at Step 5.

The department's Bridges Eligibility Manual contains the following policy statements and instructions for caseworkers regarding the State Disability As sistance program: to receive State Disability Assist ance, a person must be dis abled, caring for a disable d person or age 65 or older. BEM, Item 261, p 1. Because Claimant does not meet the

definition of disabled under the MA-P program and because the evidence of record does not establish that Claimant is unable to work for a period exc eeding 90 days, Claimant does not meet the disability criteria for State Disability Assistance benefits.

# DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law, finds Claimant not disa bled for purposes of the MA -P, Retro-MA and SDA benef it programs. Accordingly, it is ORDERED:

The Department's determination is **AFFIRMED**.

Juchi Z.

Vicki L. Armstrong Administrative Law Judge for Maura D. Corrigan, Director Department of Human Services

Date Signed: March 28, 2013

Date Mailed: March 29, 2013

**NOTICE**: Administrative Hearings may or der a rehearing or reconsideration on either its own motion or at t he request of a party within 30 days of the mailing date of this Decision and Order. Administrative Hear ings will not orde r a rehearing or reconsideration on the Department's mo tion where the final decis ion 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.

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

- A rehearing <u>MAY</u> be granted if there is newly discovered evidence that could affect the outcome of the original hearing decision.
- A reconsideration <u>MAY</u> be granted for any of the following reasons:
  - misapplication of manual policy or law in the hearing decision,
  - typographical errors, mathematical erro r, 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.

## 2012-78603/VLA

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

#### VLA/las

