

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2012-38301
Issue Nos.: 2009, 4031
Case No.: [REDACTED]
Hearing Date: May 24, 2012
County: Wayne (82-49)

ADMINISTRATIVE LAW JUDGE: Jan Leventer

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9, MCL 400.37 and Claimant's request for a hearing. After due notice, a telephone hearing was held on May 24, 2012, at Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included [REDACTED].

ISSUE

Did the Department correctly determine that Claimant is not disabled for purposes of the Medical Assistance (MA or Medicaid) and State Disability Assistance (SDA) programs?

FINDINGS OF FACT

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

1. On December 29, 2011, Claimant filed an application for MA and SDA benefits. The application also requested MA retroactive to September 1, 2011.
2. On March 1, 2012, the Department sent a Notice of Case Action to Claimant, denying her application.
3. On March 6, 2012, Claimant filed a request for an Administrative Hearing.
4. Claimant, age forty-eight [REDACTED], has a twelfth-grade education.

5. Claimant has been employed full-time as a medical billing specialist since 2006. Claimant's relevant work history consists exclusively of unskilled light-exertional work activities.
6. Claimant has a history of renal failure, kidney dialysis and arthritis. Her onset date is 2010.
7. Claimant has not been hospitalized as a result of her impairments.
8. Claimant currently suffers from renal failure, kidney dialysis and arthritis.
9. Claimant does not have severe limitations of her ability to engage in substantial gainful activity.
10. Claimant's complaints and allegations concerning her impairments and limitations, when considered in light of all objective medical evidence as well as the whole record, do not reflect an individual who is so impaired as to be incapable of engaging in any substantial gainful activity on a regular and continuing basis.

CONCLUSIONS OF LAW

MA was established by Title XIX of the U.S. Social Security Act and is implemented by Title 42 of the Code of Federal Regulations (CFR). The Department administers MA pursuant to MCL 400.10, *et seq.*, and MCL 400.105. Department policies are found in Bridges Administrative Manual (BAM), Bridges Eligibility Manual (BEM) and Reference Tables (RFT).

SDA provides financial assistance for disabled persons and was established by 2004 PA 344. The Department administers SDA pursuant to MCL 400.10, *et seq.*, and MAC R 400.3151-400.3180. Department policies are found in BAM, BEM and RFT.

The Administrative Law Judge concludes and determines that Claimant **IS NOT DISABLED** for the following reason (select ONE):

1. Claimant is engaged in substantial gainful activity.

OR

2. Claimant's impairment(s) do not meet the severity and one-year duration requirements.

OR

3. Claimant is capable of performing previous relevant work.

OR

4. Claimant is capable of performing other work.

The Administrative Law Judge concludes that Claimant **IS DISABLED** for purposes of the MA program, for the following reason (select ONE):

1. Claimant's physical and/or mental impairment(s) meet a Federal SSI Listing of Impairment(s) or its equivalent.

State the Listing of Impairment(s): _____.

OR

2. Claimant is not capable of performing other work.

In this case, Claimant applied for benefits on December 29, 2011. Medicaid applications are evaluated by asking a set of five standard questions, which are set forth in the U.S. Social Security Act, 20 CFR III, Sec. 416.920 Evaluation of disability of adults, in general. The five questions must be addressed consecutively, beginning with step one.

Step one asks whether the applicant is engaged in substantial gainful employment. Substantial gainful activity can be measured by monthly income: if a customer earns more than \$1,010 per month, then she/he is engaged in substantial gainful activity as defined by the Social Security Act.

In this case, Claimant is currently employed full-time and earns over \$1,010 per month. Therefore, it is found and determined that Claimant is engaged in substantial gainful activity, and she is not eligible for MA and SDA benefits by virtue of maintaining substantial gainful employment.

In conclusion, based on the Findings of Fact and Conclusions of Law above, the Claimant is found to be

NOT DISABLED **DISABLED**

for purposes of the MA program. The Department's denial of MA benefits to Claimant is

AFFIRMED **REVERSED**

Inasmuch as Claimant has been found not disabled for purposes of MA, Claimant must also be found not disabled for purposes of SDA benefits.

DECISION AND ORDER

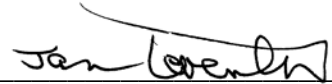
The Administrative Law Judge, based upon the above findings of fact and conclusions of law, and for the reasons stated on the record finds that Claimant

DOES NOT MEET **MEETS**

the definition of medically disabled under the Medical Assistance and State Disability Assistance programs.

The Department's decision is

AFFIRMED **REVERSED**



Jan Leventer
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: May 30, 2012

Date Mailed: June 4, 2012

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.

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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

JL/pf

cc:

