

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

**IN THE MATTER OF:**

[REDACTED]

Reg. No.: 2012-38624  
Issue Nos.: 2009, 4031  
Case No.: [REDACTED]  
Hearing Date: May 21, 2012  
County: Wayne (82-82)

**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 21, 2012, from 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 SDA program(s)?

**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 November 11, 2011, Claimant filed an application for MA and SDA benefits. The application also requested MA retroactive to August 1, 2011.
2. On January 5, 2012, the Department sent a Notice of Case Action to Claimant, denying the application.
3. On March 6, 2012, Claimant filed a request for an Administrative Hearing.
4. Claimant, age fifty-nine [REDACTED] has a high-school diploma and an Associates Degree.

5. Claimant is currently working 40 hours per week at \$10.00 per hour as a Project Consultant, a position she obtained in April 2010, through [REDACTED]. Claimant also performed relevant work part-time in light manufacturing putting parts together. Claimant's relevant work history consists exclusively of unskilled, light exertional work activities.
6. Claimant has a history of major depressive disorder, recurrent, severe without psychotic features. Her onset date is [REDACTED]. Department Exhibit 1, p. 18.
7. Claimant has not been hospitalized as a result of major depressive disorder. She was in outpatient treatment in [REDACTED] for a time, and then returned in [REDACTED]. She continued in treatment to the present and takes Wellbutrin for depression.
8. Claimant currently suffers from major depressive disorder, recurrent, severe without psychotic features, and bad back pain.
9. Claimant has severe limitations of her ability to fulfill the requirements of full-time employment. Claimant's limitations have lasted or are expected to last twelve months or more.
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, 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.
2. Claimant's impairment(s) do not meet the severity and one-year duration requirements.
3. Claimant is capable of performing previous relevant work.

4. Claimant is capable of performing other work.

The Administrative Law Judge concludes that Claimant  **IS DISABLED** for purposes of the \_\_\_\_\_ 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.

Listing of Impairment No.:

:

**OR**

2. Claimant is not capable of performing other work.

The authority for this decision is in the federal Code of Federal Regulations, 20 CFR III, Sec. 404.1571, *et seq.* If a customer is engaged in substantial gainful activity, a finding that the customer is not disabled is appropriate. 20 CFR III, Sec. 404.1571.

The terms "substantial" and "gainful" activity are defined in the Code of Federal Regulations in the following words. "Substantial" work activity is work that "involves doing significant physical or mental activities." "Gainful" means work activity that a customer does "for pay or profit." 20 CFR III, Sec. 404.1572.

The Code of Federal Regulations also sets out a monthly wage standard by which to determine if a customer has substantial gainful employment. 20 CFR III. Sec. 404.1574. The current monthly maximum for 2012 is \$1,010 per month.

In this case, Claimant works forty hours per week at \$10.00 per hour, so her monthly earnings are approximately \$1,600. Claimant testified that she was often late to work and absent from work due to her impairments, but she presented no proof that her actual income is less than \$1,010 per month. It is, therefore, found and determined that Claimant has substantial gainful employment activity and is not eligible for Medicaid.

Based on the Findings of Fact and Conclusions of Law above, Claimant is found to be

**NOT DISABLED.**                       **DISABLED.**

for purposes of the MA and SDA programs. The Department's denial of MA and SDA benefits to Claimant is

**AFFIRMED.**                       **REVERSED.**

**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 MA and SDA programs.

Accordingly, the Department's decision is

**AFFIRMED.**                       **REVERSED.**



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

Date Signed: May 24, 2012

Date Mailed: May 29, 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:

