

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 14-006313
Issue No.: 4009
Case No.: [REDACTED]
Hearing Date: October 14, 2014
County: Wayne-District 19

ADMINISTRATIVE LAW JUDGE: Vicki Armstrong

HEARING DECISION

Following Claimant's request for a hearing, this matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and 400.37; 42 CFR 431.200 to 431.250; and 45 CFR 205.10. After due notice, a telephone hearing was held on October 14, 2014, from Lansing, Michigan. Claimant personally appeared and testified. Participants on behalf of the Department of Human Services (Department) included Eligibility Specialist [REDACTED].

ISSUE

Whether the Department properly determined that Claimant was not disabled for purposes of the State Disability Assistance (SDA) 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) On October 22, 2013, Claimant filed an application for SDA benefits alleging disability.
- (2) On June 23, 2014, the Medical Review Team (MRT) denied Claimant's application for SDA. (Dept Ext A, pp 37-38).
- (3) On June 25, 2014, the Department sent Claimant notice that her SDA application was denied. (Hearing Summary).
- (4) On July 3, 2014, Claimant filed a request for a hearing to contest the Department's negative action.
- (5) Claimant has a history of multiple sclerosis, lumbago, lumbosacral spondylosis without myelopathy, osteoarthritis, insomnia, anxiety and depression.
- (6) Claimant is a 37 year old woman whose birthday is [REDACTED].

CONCLUSIONS OF LAW

Department policies are contained in the Department of Human Services Bridges Administrative Manual (BAM), Department of Human Services Bridges Eligibility Manual (BEM), and Department of Human Services Reference Tables Manual (RFT).

The State Disability Assistance (SDA) program, which provides financial assistance for disabled persons, was established by 2004 PA 344. The Department administers the SDA program pursuant to 42 CFR 435, MCL 400.10 *et seq.* and Mich Admin Code, Rules 400.3151 – 400.3180. A person is considered disabled for SDA purposes if the person has a physical or mental impairment which meets federal Supplemental Security Income (SSI) disability standards for at least ninety days. Receipt of SSI benefits based on disability or blindness, or the receipt of MA benefits based on disability or blindness, automatically qualifies an individual as disabled for purposes of the SDA program.

Claimant credibly testified that she has a limited tolerance for physical activities and is unable to stand or sit for lengthy periods of time. She said that her eyesight is deteriorating and she can no longer drive in the daytime due to her photosensitivity. She explained she has nerve pain in her face, tongue, wrist, hands, ankles, feet and back. Her hands are numb all the time. She stated her left knee has become more painful and is locking up. Claimant testified that sometimes when she stands up, she becomes dizzy and loses her balance or her back starts hurting. She was last seen in the emergency department for her MS when she became light headed and fatigued.

On [REDACTED], Claimant's primary care physician diagnosed Claimant with multiple sclerosis, vision, back and knee problems. The treating physician indicated Claimant's condition was stable, but she was limited to occasionally lifting less than 10 pounds, standing and/or walking less than 2 hours in an 8-hour workday, and no fine manipulation. The physician noted her limitations were expected to last more than 90 days. The physician also indicated Claimant could not meet her own needs in the home and needed assistance with meal preparation and housework.

In May, 2014, Claimant underwent an independent psychiatric evaluation. The psychiatrist opined Claimant seemed to be unable to take care of her basic needs of food, clothing and shelter and needs help with day to day chores. She had some trouble remembering things. There did not appear to be a tendency to exaggerate symptoms. Her affect was tearful. Claimant was diagnosed with a mood disorder secondary to general medical condition and major depressive disorder, single episode. The psychiatrist wrote that Claimant seemed able to understand, retain, and follow instructions, but due to her depression with physical limitations, she is restricted to work that involves brief and superficial interactions with coworkers, supervisors and the public. Prognosis is fair to guarded.

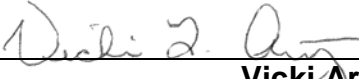
As indicated from the objective medical records, Claimant has been unable to meet her own needs in the home since November, 2013, as indicated by both her treating physician and the independent medical examiner. Claimant's treating physician also indicated Claimant is unable to work at even a sedentary level. Because Claimant's treating physician's opinion is well supported by medically acceptable clinical and laboratory diagnostic techniques, it has controlling weight. 20 CFR 404.1527(d)(2).

Therefore, the Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds Claimant disabled for purposes of the SDA benefit program.

DECISION AND ORDER

Accordingly, the Department's decision is **REVERSED**, and this case is returned to the local office to determine whether Claimant met all the other financial and non-financial eligibility factors necessary to qualify for SDA.

It is SO ORDERED.



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

Date Signed: **10/16/2014**

Date Mailed: **10/16/2014**

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NOTICE OF APPEAL: A party may appeal this Hearing Decision in the circuit court in the county in which he/she resides, or the circuit court in Ingham County, within 30 days of the receipt date.

A party may request a rehearing or reconsideration of this Hearing Decision from the Michigan Administrative Hearing System (MAHS) within 30 days of the mailing date of this Hearing Decision, or MAHS may order a rehearing or reconsideration on its own motion.

MAHS may grant a party's Request for Rehearing or Reconsideration when one of the following exists:

- Newly discovered evidence that existed at the time of the original hearing that could affect the outcome of the original hearing decision;
- Misapplication of manual policy or law in the hearing decision which led to a wrong conclusion;
- Typographical, mathematical or other obvious error in the hearing decision that affects the rights of the client;
- Failure of the ALJ to address in the hearing decision relevant issues raised in the hearing request.

The party requesting a rehearing or reconsideration must specify all reasons for the request. MAHS will not review any response to a request for rehearing/reconsideration. A request must be *received* in MAHS within 30 days of the date this Hearing Decision is mailed.

A written request may be faxed or mailed to MAHS. If submitted by fax, the written request must be faxed to (517) 335-6088 and be labeled as follows:

Attention: MAHS Rehearing/Reconsideration Request

If submitted by mail, the written request must be addressed as follows:

Michigan Administrative Hearings
Reconsideration/Rehearing Request
P.O. Box 30639
Lansing, Michigan 48909-07322

cc:

