

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

IN THE MATTER OF:

██████████
██████████
██████████

Reg. No.: 2013-68433
Issue No.: 2009
Case No.: ██████████
Hearing Date: March 20, 2014
County: Wayne (49)

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

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; 7 CFR 273.15 to 273.18; 42 CFR 431.200 to 431.250; 45 CFR 99.1 to 99.33; and 45 CFR 205.10. After due notice, an in-person hearing was held on March 20, 2014, from Detroit, Michigan. Participants included the above-named Claimant. ██████████ testified and appeared as Claimant's authorized hearing representative (AHR) / legal counsel. Participants on behalf of the Department of Human Services (DHS) included ██████████, Manager.

ISSUE

The issue is whether DHS properly denied Claimant's application for Medical Assistance (MA) and State Disability Assistance (SDA) for the reason that Claimant is not a disabled individual.

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 12/28/12, Claimant applied for MA and SDA benefits.
2. Claimant's only basis for MA and SDA benefits was as a disabled individual.
3. On 6/20/13, the Medical Review Team (MRT) determined that Claimant was not a disabled individual (see Exhibits 1-2).

4. On 6/25/13, DHS denied Claimant's application for MA and SDA benefits and mailed a Notice of Case Action informing Claimant of the denial.
5. On 9/13/13, Claimant requested a hearing disputing the denial of MA and SDA benefits.
6. On 11/5/13, SHRT determined that Claimant was not a disabled individual, in part, by application of Medical-Vocational Rule 204.00
7. On 3/20/14, an administrative hearing was held.
8. Claimant presented new medical documents (Exhibits A1-A109) at the hearing.
9. During the hearing, Claimant waived the right to receive a timely hearing decision.
10. On 5/6/14, an updated hearing packet was forwarded to SHRT and an Interim Order Extending the Record for Review by State Hearing Review Team was subsequently issued which extended the record an additional 90 days.
11. On 6/5/14, SHRT determined that Claimant was not disabled, in part, by application of Medical-Vocational Rule 202.21.
12. On 6/11/14, the Michigan Administrative Hearings System received the hearing packet and updated SHRT decision.
13. As of the date of the administrative hearing, Claimant was a ■-year-old male with a height of 6'1" and weight of 205 pounds.
14. Claimant's highest education year completed was the 12th grade, via general equivalency degree.
15. As of the date of the administrative hearing, Claimant had no health insurance.
16. Claimant alleged disability based on impairments and issues including mood swings, back pain, head pain, leg pain, social anxiety, migraine headaches, seizures, depression, and post-traumatic stress disorder (PTSD).

CONCLUSIONS OF LAW

The Medical Assistance (MA) program is established by the Title XIX of the Social Security Act, 42 USC 1396-1396w-5, and is implemented by 42 CFR 400.200 to 1008.59. The Department of Human Services (formerly known as the Family Independence Agency) administers the MA program pursuant to MCL 400.10 and MCL 400.105. Department policies are contained in the Department of Human Services

Bridges Administrative Manual (BAM) and Department of Human Services Bridges Eligibility Manual (BEM) and Department of Human Services Reference Tables Manual (RFT).

The Medicaid program is comprised of several sub-programs which fall under one of two categories; one category is FIP-related and the second category is SSI-related. BEM 105 (10/2010), p. 1. To receive MA under an SSI-related category, the person must be aged (65 or older), blind, disabled, entitled to Medicare or formerly blind or disabled. *Id.* Families with dependent children, caretaker relatives of dependent children, persons under age 21 and pregnant, or recently pregnant, women receive MA under FIP-related categories. *Id.* AMP is an MA program available to persons not eligible for Medicaid through the SSI-related or FIP-related categories though DHS does always offer the program to applicants. It was not disputed that Claimant's only potential category for Medicaid eligibility would be as a disabled individual.

Disability for purposes of MA benefits is established if one of the following circumstances applies:

- by death (for the month of death);
- the applicant receives Supplemental Security Income (SSI) benefits;
- SSI benefits were recently terminated due to financial factors;
- the applicant receives Retirement Survivors and Disability Insurance (RSDI) on the basis of being disabled; or
- RSDI eligibility is established following denial of the MA benefit application (under certain circumstances).

BEM 260 (7/2012) pp. 1-2

There was no evidence that any of the above circumstances apply to Claimant. Accordingly, Claimant may not be considered for Medicaid eligibility without undergoing a medical review process which determines whether Claimant is a disabled individual. *Id.* at 2.

Generally, state agencies such as DHS must use the same definition of SSI disability as found in the federal regulations. 42 CFR 435.540(a). Disability is federally defined as the inability to do any substantial gainful activity (SGA) 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 functionally identical definition of disability is found under DHS regulations. BEM 260 (7/2012), p. 8.

Substantial gainful activity means a person does the following:

- Performs significant duties, and
- Does them for a reasonable length of time, and
- Does a job normally done for pay or profit. *Id.* at 9.

Significant duties are duties used to do a job or run a business. *Id.* They must also have a degree of economic value. *Id.* The ability to run a household or take care of oneself does not, on its own, constitute substantial gainful activity. *Id.*

The person claiming a physical or mental disability has the burden to establish a disability 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 413.913. 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).

Federal regulations describe a sequential five step process that is to be followed in determining whether a person is disabled. 20 CFR 416.920. If there is no finding of disability or lack of disability at each step, the process moves to the next step. 20 CFR 416.920 (a)(4).

The first step in the process considers a person's current work activity. 20 CFR 416.920 (a)(4)(i). A person who is earning more than a certain monthly amount is ordinarily considered to be engaging in SGA. The monthly amount depends on whether a person is statutorily blind or not. "Current" work activity is interpreted to include all time since the date of application. The 2012 monthly income limit considered SGA for non-blind individuals is \$1,010.

Claimant testified that he recently performed one day of employment for \$50. Psychological treatment records noted that Claimant performed odd jobs (see Exhibit A3). Presumably, Claimant's "odd jobs" did not amount to SGA. Claimant denied performing any employment for wages amounting to SGA; no evidence was submitted to contradict Claimant's testimony. Based on the presented evidence, it is found that Claimant is not performing SGA and has not performed SGA since the date of MA application. Accordingly, the disability analysis may proceed to step two.

The second step in the disability evaluation is to determine whether a severe medically determinable physical or mental impairment exists to meet the 12 month duration requirement. 20 CFR 416.920 (a)(4)(ii). The impairments may be combined to meet the severity requirement. If a severe impairment is not found, then a person is deemed not disabled. *Id.*

The impairments must significantly limit a person's basic work activities. 20 CFR 416.920 (a)(5)(c). "Basic work activities" refers to the abilities and aptitudes necessary to do most jobs. *Id.* Examples of basic work activities include:

- physical functions (e.g. walking, standing, sitting, lifting, pushing, pulling, reaching, carrying, or handling)
- capacities for seeing, hearing, and speaking, understanding; carrying out, and remembering simple instructions
- use of judgment
- responding appropriately to supervision, co-workers and usual work situations; and/or

- dealing with changes in a routine work setting.

Generally, federal courts have imposed a de minimus standard upon claimants to establish the existence of a severe impairment. *Grogan v. Barnhart*, 399 F.3d 1257, 1263 (10th Cir. 2005); *Hinkle v. Apfel*, 132 F.3d 1349, 1352 (10th Cir. 1997). *Higgs v Bowen*, 880 F.2d 860, 862 (6th Cir. 1988). Similarly, Social Security Ruling 85-28 has been interpreted so that a claim may be denied at step two for lack of a severe impairment only when the medical evidence establishes a slight abnormality or combination of slight abnormalities that would have no more than a minimal effect on an individual's ability to work even if the individual's age, education, or work experience were specifically considered. *Barrientos v. Secretary of Health and Human Servs.*, 820 F.2d 1, 2 (1st Cir. 1987). Social Security Ruling 85-28 has been clarified so that the step two severity requirement is intended "to do no more than screen out groundless claims." *McDonald v. Secretary of Health and Human Servs.*, 795 F.2d 1118, 1124 (1st Cir. 1986).

SSA specifically notes that age, education, and work experience are not considered at the second step of the disability analysis. 20 CFR 416.920 (5)(c). In determining whether Claimant's impairments amount to a severe impairment, all other relevant evidence may be considered. The analysis will begin with background information from Claimant's testimony and a summary of the relevant submitted medical documentation.

Claimant testified that he was shot multiple times in the 1980s. Claimant testified that he has regular (2 times per week) flashbacks of the incidents. Claimant testified that he twice attempted suicide in 2002, both times involving a vehicle (presented documents noted multiple accidents in 2007 and 2008; see Exhibit 21.) Claimant testified that he once purposely flipped over a jeep; Claimant testified that the accident left him with multiple head injuries. Claimant testified that he also purposely hit another vehicle. Claimant testified that he has regular mood swings of anger and he suspects that some of his problems are related to injuries from the car accidents. Claimant's testimony was consistent with psychiatric treatment notes.

MDOC physician documents (Exhibits 23-24) dated 12/15/11 were presented. Claimant's GAF was noted as 58 as of 11/9/11.

Michigan Department of Correction (MDOC) physician documents (Exhibits 8-10) dated 10/11/12 were presented. It was noted that Claimant presented for evaluation of Paxil in response to reported PTSD symptoms. It was noted that Claimant was sleeping through the night after Paxil was added to a dose of Trazadone. It was noted that Claimant reported less depression and better coping ability. Noted observations of Claimant included: no signs of psychosis, appropriate appearance, orientation x3, unremarkable behavior, anxious mood, appropriate affect, average intellect, and cooperative attitude. Axis I diagnoses of PTSD and cannabis dependence were noted. Claimant's GAF was 59.

Michigan Department of Correction (MDOC) medical documents (Exhibits 13-15) dated 10/17/12 were presented. It was noted that Claimant presented with complaints of anemia, ongoing for one year. It was noted that Claimant described the problem with a severity level of 1. All tested areas were noted as negative. Claimant's hemoglobin was noted as stable. It was noted that Claimant's hemoglobin level would be monitored.

Michigan Department of Correction (MDOC) medical documents (Exhibits 11-12) dated 10/25/12 were presented. It was noted that Claimant presented with complaints of thumb pain. A treating nurse noted that Claimant's thumb was infected. It was noted that the affected area was cleansed.

Michigan Department of Correction (MDOC) medical documents (Exhibits 18-19) dated 10/26/12 were presented. It was noted that Claimant presented with complaints of a red and swollen right great toe. A diagnosis of paronychia was noted. A plan to prescribe Bactrim was noted.

MDOC health care documents (Exhibits 20-22) dated 11/26/12 verified a follow-up psychological appointment. Axis I diagnoses of PTSD, depression and cannabis dependence were noted. Axis IV diagnoses were noted as mild. It was noted that Claimant experienced a loving and supportive childhood. It was noted that Claimant was sensitive to loud noises. A history of cocaine, cannabis, and alcohol abuse was noted. It was noted that Claimant received Trazadone and Paxil in attempts to reduce PTSD symptoms. It was noted that Claimant had persistent and unreasonable fear/anxiety that impaired daily function.

A Psychiatric Evaluation (Exhibits 30-31) dated 1/18/13 was presented. The evaluation was completed by a nurse practitioner from a treating mental health agency. It was noted that Claimant was paroled from prison on 12/27/12 after spending 17 years incarcerated. It should be noted that other evidence was suggestive of a shorter incarceration. For example, Claimant testified that in 2002 he twice attempted suicide by using a motor vehicle; presumably, Claimant did not have access to motor vehicles while incarcerated. Reported problems included: insomnia, decreased appetite, irritability, anxiousness, distractibility, erectile dysfunction, audio hallucinations, panic attacks, guilt, hopelessness, racing thoughts, paranoia, flashbacks, hypervigilance, and anger control. It was noted that Claimant's symptoms diminish when he has medications. It was noted that Claimant reported not abusing drugs since before his incarceration. Examiner observations included the following: good grooming, timeliness, orientation x4, intact judgment, no delusional thought, sadness, normal speech, logical and coherent thought process, and poor insight. Axis I diagnoses included schizoaffective disorder, depressive disorder, and generalized anxiety disorder. Claimant's GAF was noted as 45. Saphris and Klonopin were noted as prescribed.

Various psychological treatment notes (Exhibits A52-A109) were presented. The notes verified that Claimant attended regular sessions (1-2 times per month) from 1/2013 through 1/2014. Various GAFs were noted, ranging from 42-55. It was regularly noted that Claimant reported sadness and feeling lost after the passing of his father.

A Medical Progress Note (Exhibits A102) dated 4/26/13 was presented. The note was completed by a nurse practitioner with an unspecified history of treating Claimant. Diagnoses of schizoaffective disorder, depressive disorder, and generalized anxiety disorder were noted. Claimant's GAF was noted as 45.

An Initial Psychosocial (Exhibits A14-A30) and other psychological treatment documents (Exhibits A31-A51) dated 1/29/14 were presented. The documents were noted as completed by a LLPC. Noted examiner observations included: orientation x4, intact memory, normal concentration, alert awareness, unremarkable content of thought, no reported hallucinations, unremarkable thought process, normal stream of mental activity, and unremarkable speech. It was noted that Claimant independently performed daily activities. It was noted that a criminal conviction limits Claimant's ability to find employment. It was noted that Claimant attends church functions, family functions and enjoys watching sports.

A Psychiatric Evaluation (Exhibits A5-A8) dated 2/7/14 was presented. The evaluation was noted as completed by a nurse practitioner. It was noted that Claimant reported the following symptoms: sadness, low libido, mood swings, loss of interest in activities, sadness, racing thoughts, and confused thoughts. It was noted that Claimant was stressed by not being able to find employment. Notable observations of Claimant included the following: anxious mood, unremarkable thought process, unremarkable posture, unremarkable behavior, unremarkable speech, and unremarkable motor status. Axis I diagnoses included bipolar disorder and impulse control disorder. Claimant's immediate memory was noted as difficult. Claimant's GAF was noted as 48.

On 3/7/14, Claimant's therapist noted that Claimant was doing physically "good" (see Exhibit A3). Other statements were not notable.

An internal medicine report (Exhibits 2-1 – 2-8) dated 4/24/14 was presented. The report was completed by a physician with no history of treating Claimant. It was noted that Claimant reported pain in his lower back, hands, and knees. It was noted that Claimant's head was significant for injury. Muscle strength was noted as 5/5. It was noted that Claimant's left hand showed ulnar deviation of the fingers. It was noted that Claimant had full finger extension but no flexion in three fingers. It was noted that Claimant used a cane but that he could ambulate without one. It was noted that bending, stooping, and squatting were restricted due to back pain. Claimant's gait was noted as normal. Ranges of motion were noted as restricted in Claimant's lumbar. No sitting or standing restrictions were noted. Claimant's left hand use was noted as limited.

Claimant alleged disability, in part, based on complaints of headaches and seizures. The presented evidence was insufficient to justify any impairments caused by headaches or seizures.

Claimant alleged disability, in part, based on back pain. No treatment for back pain was presented. A consultative physician verified that Claimant's lumbar motion was restricted. Restricted lumbar ranges of motion are sufficient to presume some degree of ambulation and/or lifting restrictions.

The consultative examiner also verified that Claimant's left hand had visible deviations. It can be inferred that Claimant has some degree of left hand impairments.

The bulk of Claimant's documentation concerned psychological treatment. It was established that Claimant regularly reported various psychological impairments, attended treatment sessions, and regularly received medication. The documentation was sufficient to establish psychological impairments.

Claimant's physical and psychological restrictions were both verified to have lasted since at least 12/2012, the first month from which Claimant seeks disability. Claimant's impairments were also verified to have lasted consistently since 12/2012. It is found that Claimant established having severe impairments and the disability analysis may move to step three.

The third step of the sequential analysis requires a determination whether the Claimant's impairment, or combination of impairments, is listed in Appendix 1 of Subpart P of 20 CFR, Part 404. 20 CFR 416.920 (a)(4)(iii). If Claimant's impairments are listed and deemed to meet the 12 month requirement, then the claimant is deemed disabled. If the impairment is unlisted, then the analysis proceeds to the next step.

A listing for joint dysfunction (Listing 1.02) was considered based on Claimant's complaints of finger pain. The listing was rejected due to a failure to establish an inability to perform fine and gross movements with multiple hands.

A listing for spinal disorders (Listing 1.04) was considered based on Claimant's LBP complaints. The medical records were devoid of back pain causes. For example, there were no records verifying x-rays or an MRI of Claimant's back. There was not a specific diagnosis for Claimant's back pain. This listing was rejected due to a lack of evidence and a failure to establish a spinal disorder resulting in a compromised nerve root.

The following psychological disorders were considered: psychotic disorders (Listing 12.02), affective disorders (Listing 12.04) and anxiety disorders (Listing 12.06). The listings were rejected due to a failure to establish marked restrictions (or other listing requirements) from an acceptable medical source (see SSR 06-03p).

It is found that Claimant failed to establish meeting an SSA listing. Accordingly, the analysis moves to step four.

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 it is determined that a claimant can perform past relevant work. *Id.*

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). RFC is assessed based on impairment(s), and any related symptoms, such as pain, 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.

Claimant testified that he worked as a plumbing supervisor before he was incarcerated. For purposes of this decision, it will be found that Claimant cannot perform past employment and the analysis may proceed to step five.

In the fifth step in the process, the individual's RFC in conjunction with his or her age, education, and work experience, are considered to determine whether the individual can engage in any other substantial gainful work which exists in the national economy. SSR 83-10. 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).

To determine the physical demands (i.e. exertional requirements) of work in the national economy, jobs are classified as sedentary, light, medium, heavy, and very heavy. 20 CFR 416.967. The definitions for each are listed below.

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 are considered nonexertional. 20 CFR 416.969a(a). Examples of non-exertional limitations include difficulty functioning 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 using the rules of Appendix 2, an individual's circumstances, as indicated by the findings with respect to RFC, age, education, and work experience, is compared to the pertinent rule(s).

For sedentary employment, periods of standing or walking should generally total no more than about 2 hours of an 8-hour workday. Social Security Rule 83-10. Social Security Rule 83-10 states that the full range of light work requires standing or walking, off and on, for a total of approximately 6 hours of an 8-hour workday.

At step 2, it was determined that restricted lumbar ranges of motion restrictions caused an unspecified degree of ambulation and lifting restrictions. It was further found that Claimant had left hand pain and restrictions. Restricted lumbar ranges of motion and left hand impairments are found to be insufficient evidence to justify a finding that Claimant cannot perform the relatively small lifting requirements of sedentary and light employment. Standing and sitting restrictions also cannot be presumed without more

medical evidence. It is found that Claimant can perform the standing, sitting, and lifting requirements of light and sedentary employment.

Claimant's psychological restrictions were not clear. Claimant conceded that he has not heard voices since 2011. This evidence is suggestive that Claimant is not notably restricted by schizoaffective-related impairments. It was also noted that Claimant's symptoms diminish when receiving proper medications. Claimant received regular psychological treatment since at least early 2013; Claimant's treatment while in prison is not so clear.

Numerous sources assessed Claimant's functioning level. From 2011-2013, Claimant's GAF ranged from 42-59. The Diagnostic and Statistical Manual of Mental Disorders (4th edition) (DSM IV) states that a GAF within the range of 51-60 is representative of someone with moderate symptoms or any moderate difficulty in social, occupational, or school functioning. A GAF within the range of 41-50 is representative of a person with "serious symptoms (e.g., suicidal ideation, severe obsessional rituals, frequent shoplifting) or any serious impairment in social, occupational, or school functioning (e.g. no friends, unable to keep a job)."

The high range of Claimant's GAFs came from prison psychiatrists. Psychiatrists are acceptable medical sources. Claimant's prison GAFs after prison came from non-medical sources. This consideration is suggestive in finding that Claimant's actual functioning level is closer to 58 or 59, as found by prison doctors.

Claimant's most dramatic symptoms (suicide attempts and hallucinations) have not been absent since Claimant's date of application. No evidence of any psychological hospitalizations was presented. The evidence also supported finding that Claimant's stress is from not having employment rather than an inability to perform employment.

It was verified that Claimant suffered a difficult life (e.g. gunshot wounds, suicide attempts, incarceration). Realistically, Claimant would likely have some difficulties with regular social interactions and dealing with stress. The evidence was suggestive that Claimant's restrictions would be moderate (at worst) as long as Claimant remains medication compliant. It is found that Claimant is unable to perform employment involving high stress and large amounts of social interaction. It is further found that Claimant would likely be restricted from performing employment requiring substantial amounts of typing due to his left hand problems. Though Claimant has some employment restrictions, it is presumed that sufficient quantities of light and sedentary employment remain available to Claimant.

Based on Claimant's exertional work level (light), age (younger individual aged 45-49), education (high school equivalency), employment history (semi-skilled- not transferrable), Medical-Vocational Rule 202.21 is found to apply. This rule dictates a finding that Claimant is not disabled. Accordingly, it is found that DHS properly found Claimant to be not disabled for purposes of MA benefits.

The State Disability Assistance (SDA) program which provides financial assistance for disabled persons is established by 2004 PA 344. DHS administers the SDA program pursuant to MCL 400.10, *et seq.*, and MAC R 400.3151-400.3180. DHS policies for SDA are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Reference Tables Manual (RFT).

SDA provides financial assistance to disabled adults who are not eligible for Family Independence Program (FIP) benefits. BEM 100 (1/2013), p. 4. The goal of the SDA program is to provide financial assistance to meet a disabled person's basic personal and shelter needs. *Id.* To receive SDA, a person must be disabled, caring for a disabled person, or age 65 or older. BEM 261 (1/2012), p. 1.

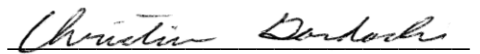
A person is disabled for SDA purposes if he/she:

- receives other specified disability-related benefits or services, see Other Benefits or Services below, or
- resides in a qualified Special Living Arrangement facility, or
- is certified as unable to work due to mental or physical disability for at least 90 days from the onset of the disability; or
- is diagnosed as having Acquired Immunodeficiency Syndrome (AIDS).
Id.

It has already been found that Claimant is not disabled for purposes of MA benefits based on application of Medical-Vocational Rule 202.21. The analysis and finding applies equally for Claimant's SDA benefit application. It is found that Claimant is not a disabled individual for purposes of SDA eligibility and that DHS properly denied Claimant's application for SDA benefits.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that DHS properly denied Claimant's MA benefit application dated 12/28/12 based on a determination that Claimant is not disabled. The actions taken by DHS are **AFFIRMED**.


Christian Gardocki
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: July 3, 2014

Date Mailed: July 3, 2014

NOTICE OF APPEAL: 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 or Reconsideration was made, within 30 days of the receipt date of the Decision and Order of Reconsideration or Rehearing Decision.

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).

A Request for Rehearing or Reconsideration may be granted 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 Department, AHR or the claimant 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 the hearing decision is mailed.

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

CG/cl

cc: [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]