

5. Claimant is 40 years old.
6. Claimant completed education through high school.
7. Claimant has employment experience (last worked 2011) in a factory performing work as a quality inspector which required her to stand/walk the entire shift, limited sitting and lifting over 50 pounds. She also worked as a baggage loader at an airport which required her to stand/walk the entire shift, limited sitting and lifting over 50 pounds. She also worked as a general factory worker which required her to stand/walk the entire shift, limited sitting and pushing and pulling while item was on a hoist. She also worked as a bartender at a casino which required her to stand/walk the entire shift, limited sitting and lifting over 10 pounds. She also worked at the airport cleaning the inside of planes which required her to stand/walk the entire shift, limited sitting and lifting over 50 pounds.
8. Claimant's limitations have lasted for 12 months or more.
9. Claimant suffers from chronic abdominal pain, ulcers, arthritis, depression, anxiety, learning disability, seizures, back pain, hand problems, bursitis in her right shoulder and a hiatal hernia.
10. Claimant has significant limitations on physical activities involving sitting, standing, walking, bending, lifting, and stooping.
11. Claimant has significant limitations on understanding, carrying out, and remembering simple instructions; use of judgment; responding appropriately to supervision, co-workers and usual work situations; and dealing with changes in a routine work setting.

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 Medical Assistance (MA) program is established by Title XIX of the Social Security Act, 42 USC 1396-1396w-5; 42 USC 1315; the Affordable Care Act of 2010, the collective term for the Patient Protection and Affordable Care Act, Pub. L. No. 111-148, as amended by the Health Care and Education Reconciliation Act of 2010, Pub. L. No. 111-152; and 42 CFR 430.10-.25. The Department (formerly known as the Family Independence Agency) administers the MA program pursuant to 42 CFR 435, MCL 400.10, and MCL 400.105-.112k.

Pursuant to Federal Rule 42 CFR 435.540, the Department uses the Federal Supplemental Security Income (SSI) policy in determining eligibility for disability under MA-P. Under SSI, disability is defined as:

...the inability to do any substantial gainful activity 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 set order is used to determine disability. Current work activity, severity of impairments, residual functional capacity, past work, age, or education and work experience are reviewed. If there is a finding that an individual is disabled or not disabled at any point in the review, there will be no further evaluation. 20 CFR 416.920.

Medical evidence may contain medical opinions. Medical opinions are statements from physicians and psychologists or other acceptable medical sources that reflect judgments about the nature and severity of the impairment(s), including symptoms, diagnosis and prognosis, what an individual can do despite impairment(s), and the physical or mental restrictions. 20 CFR 416.927(a)(2).

The Administrative Law Judge is responsible for making the determination or decision about whether the statutory definition of disability is met. The Administrative Law Judge reviews all medical findings and other evidence that support a medical source's statement of disability. 20 CFR 416.927(e).

For mental disorders, severity is assessed in terms of the functional limitations imposed by the impairment. Functional limitations are assessed using the criteria in paragraph (B) of the listings for mental disorders (descriptions of restrictions of activities of daily living, social functioning; concentration, persistence or pace; and ability to tolerate increased mental demands associated with competitive work). 20 CFR, Part 404, Subpart P, Appendix 1, 12.00(C).

Claimant testified to the following symptoms and abilities: very bad stomach problems, anxiety and panic attacks occurring once a day, right shoulder is useless and she is not able to raise or lower right arm, she is able to use her right hand, weak grip due to arthritis in both thumbs, hard time writing because of her shoulder problems, some issues with reading, not able to make change, isolates herself, some paranoid thoughts about others hurting her, crying spells occurring daily, bending over is problematic due to lower back pain, can sit 30 minutes, can stand an hour, not sure how far she can walk, she only walks in her home, needs help with household chores, able to manage personal care but gets help with washing her hair, gets help with grocery shopping, not able to drive, hasn't had a seizure in a year, hair, sometimes she thinks she hears voices and suicidal thoughts occurring every couple days.

Claimant's ongoing treatment records demonstrate ongoing Hidradenitis problems that, despite treatment, continued to persist. In addition, Claimant's medical records indicate ongoing medical treatment for anxiety. Claimant, despite treatment, still reports significant restriction in her thought processes and ability to cope with simple daily living activities.

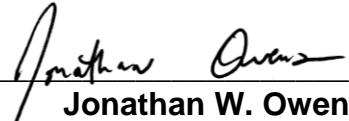
In this case, this Administrative Law Judge finds that Claimant may be considered presently disabled at the third step. Claimant appears to meet Listing 8.06 and/or Listing 12.06 or its equivalent. This Administrative Law Judge will not continue through the remaining steps of the assessment. Claimant's testimony and the medical documentation support the finding that Claimant meets the requirements of a listing.

Therefore, Claimant is found to be disabled.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that Claimant is medically disabled as of February 2013.

Accordingly, the Department's decision is hereby REVERSED and the Department is ORDERED to initiate a review of the application dated May 30, 2013, if not done previously, to determine Claimant's non-medical eligibility. The Department shall inform Claimant of the determination in writing. A review of this case shall be set for January 2016.



Jonathan W. Owens
Administrative Law Judge
for Nick Lyon, Interim Director
Department of Human Services

Date Signed: January 6, 2015

Date Mailed: January 6, 2015

NOTICE OF APPEAL: A party may appeal this Hearing Decision in the circuit court in the county in which he/she resides or has its principal place of business in the State, 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

JWO/pf

cc:

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
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