

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

**IN THE MATTER OF:**



MAHS Reg. No.: 15-020497  
Issue No.: 4009  
Agency Case No.: [REDACTED]  
Hearing Date: January 27, 2016  
County: Muskegon

**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 January 27, 2016, from Lansing, Michigan. Claimant personally appeared and testified. The Department was represented by Family Independence Manager [REDACTED] and Eligibility Specialist [REDACTED].

**ISSUE**

Whether the Department properly determined that Claimant was not disabled for purposes of the State Disability Assistance (SDA) benefit programs?

**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 June 12, 2015, Claimant applied for SDA benefits.
2. On October 16, 2015, the Medical Review Team denied Claimant's application for SDA.
3. On October 16, 2015, the Department issued a Notice of Case Action informing Claimant that her application for SDA was denied.
4. On October 22, 2015, Claimant submitted a Request for Hearing contesting the Department's negative action.
5. On August 26, 2015, the x-ray of Claimant's left shoulder revealed advanced arthritic changes and a large loose joint body with little change from the previous x-rays on September 6, 2013. (Dept Ex. A, p 409).

6. On September 23, 2015, Claimant underwent a Psychological Examination. The psychologist opined that the Claimant was able to understand, retain and follow through on simple to moderately complex instructions. Based on Claimant's criminal history, the psychologist noted Claimant would find it difficult to find employment. Claimant was encouraged to complete her high school education and explore Michigan Rehabilitative Services for vocation training and placement. The psychologist saw no reason to restrict Claimant from performing simple, routine, repetitive tasks in a structured environment pending any physical restrictions imposed by her treating physician. (Dept Ex. A, pp 239-243).
7. On October 3, 2015, Claimant underwent evaluation of arthritis in her left shoulder. Claimant has had arthritis for years. She was seen by an orthopedic surgeon in 2010 who recommended surgery but she opted for the conservative route. Her pain has become progressively worse. She has had physical therapy and steroid injections which offered no relief. She is scheduled to see an orthopedic surgeon in May, 2016. She denies any difficulty with fine motor dexterity. She has some difficulty with undoing her bra and putting on her bra due to significant left shoulder pain. Claimant smoked half a package for 20+ years and denied alcohol use. She was alert and oriented throughout the exam. She had a normal gait and station and was able to ambulate without the use of assistive devices. She had appropriate judgment and insight. Manual testing revealed strength of 3/5 on the left shoulder. Sensation was intact. No atrophy of the musculature was seen and there were no fasciculations or fibrillations. She was able to bend forward, squat and heel and toe walk without any difficulty. Straight-leg raise test did not elicit pain bilaterally in both the seated and supine positions. She had decreased range of motion of the left shoulder. The examining physician opined Claimant should probably have shoulder surgery. (Dept Ex. A, pp 289-286).
8. Claimant has a history of severe left shoulder osteoarthritis, anemia, arthritis, antisocial personality, cocaine use disorder in reported remission, cannabis use disorder moderate-severe in remission, opioid use disorder in reported remission, alcohol use disorder in remission, bipolar disorder, polysubstance dependency and personality disorder.
9. Claimant is a [REDACTED] year old woman whose birthday is [REDACTED]. Claimant is 5'6" tall and weighs 203 lbs.
10. Claimant has a high school education.
11. Claimant last worked in 2000.
12. Claimant was appealing the denial of Social Security disability at the time of the hearing.

## **CONCLUSIONS OF LAW**

Department policies are contained in the Department of Health and Human Services Bridges Administrative Manual (BAM), Department of Health and 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.

Current legislative amendments to the Act delineate eligibility criteria as implemented by department policy set forth in program manuals. 2004 PA 344, Sec. 604, establishes the State Disability Assistance program. It reads in part:

Sec. 604 (1) The department shall operate a state disability assistance program. Except as provided in subsection (3), persons eligible for this program shall include needy citizens of the United States or aliens exempt from the Supplemental Security Income citizenship requirement who are at least 18 years of age or emancipated minors meeting one or more of the following requirements:

(b) A person with a physical or mental impairment which meets federal SSI disability standards, except that the minimum duration of the disability shall be 90 days. Substance abuse alone is not defined as a basis for eligibility.

Specifically, this Act provides minimal cash assistance to individuals with some type of severe, temporary disability which prevents him or her from engaging in substantial gainful work activity for at least ninety (90) days.

Claimant's testimony was credible regarding her past employment and drug use. However, her testimony regarding her physical health and limitations is not supported by the medical evidence.

Regarding Claimant's physical health, Claimant stated she could walk a few blocks, stand for 30 minutes up to an hour, carry 6 pounds and had to lay down as opposed to sit, due to her shoulder pain. There is no evidence of a physical impairment that would prevent Claimant from performing at least sedentary duties.

Regarding Claimant's mental health, Claimant testified her mental impairments were not at issue in this case.

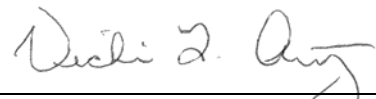
The objective medical evidence of record is sufficient to establish that Claimant is capable of performing at least sedentary duties. For that reason, the Administrative Law Judge finds that Claimant failed to provide the necessary objective medical evidence to establish that she is physically incapable of doing basic work activities. Moreover, there is no evidence that Claimant has a severe impairment that meets or equals a listed impairment found at 20 CFR, Part 404, Subpart P, Appendix 1

Therefore, the Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, finds Claimant not disabled for purposes of the SDA benefit program.

**DECISION AND ORDER**

Accordingly, the Department's decision is **AFFIRMED**.

**It is SO ORDERED.**



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Vicki Armstrong  
Administrative Law Judge  
for Nick Lyon, Director  
Department of Health and Human  
Services

Date Mailed: **2/4/2016**

VA/nr

**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 48909-8139

cc:

