



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
Christopher Seppanen
Executive Director

MIKE ZIMMER
DIRECTOR

[REDACTED]

Date Mailed: April 11, 2016
MAHS Docket No.: 15-023490
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Susanne E. Harris

HEARING DECISION

PROCEDURAL HISTORY

Following the Petitioner'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 February 18, 2016, from Lansing, Michigan. The Petitioner, [REDACTED] appeared and testified with his case manager from Community Mental Health, [REDACTED]. The Department of Health and Human Services (Department) was represented by Hearing Facilitator, [REDACTED].

After the hearing, the record was extended for 30 days to afford the Petitioner an additional opportunity to submit relevant psychiatric evidence. On March 10, 2016, the Administrative Law Judge received Case Manager [REDACTED] request for an extension explaining that the Petitioner's provider canceled an appointment due to inclement weather, which then had to be rescheduled. On March 15, 2016, the record was again extended for 30 days. On March 30, 2016, additional psychiatric evidence was received and the Administrative Law Judge closed the record at that time.

The following exhibits were offered and admitted into evidence:

Department: A--August 25, 2015, Assistance Application.
B--September 3, 2015, Medical Determination Verification Checklist.
C--Medical Packet.
D--November 20, 2015, Medical Review (MRT) denial.
E-- December 4, 2015, Notice of Case Action.

Petitioner: 1--November 20, 2015, Disability Determination Explanation and December 4, 2015 psychiatric evaluation.

2-- March 23, 2016, Psychiatric/Psychological Examination Report
completed by Dr. [REDACTED]

ISSUE

Whether the Department properly determined that the Petitioner was not disabled for purposes State Disability Assistance (SDA) benefit program?

FINDINGS OF FACT

The Administrative Law Judge, based upon the competent, material and substantial evidence on the whole record, finds as material fact:

1. On August 25, 2015, the Petitioner applied for SDA.
2. On November 20, 2015, the Medical Review Team denied the Petitioner's request.
3. On December 18, 2015, the Petitioner submitted to the Department a request for hearing.
4. The Petitioner is [REDACTED] years old.
5. The Petitioner completed education through the ninth grade.
6. The Petitioner has employment experience (last worked 2007) in the restaurant/fast food industry.
7. The Petitioner suffers from back pain, bipolar disorder, post-traumatic stress disorder, and major depressive disorder.
8. The Petitioner's limitations have lasted for 12 months or more.
9. The Petitioner has significant limitations on understanding, carrying out, and remembering simple instructions; use of judgment; responding appropriately to others and usual situations. His logic, memory and focus are also significantly limited.

CONCLUSIONS OF LAW

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.

Pursuant to Federal Rule 42 CFR 435.540, the Department uses the Federal Supplemental Security Income (SSI) policy in determining eligibility for disability. 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).

The Petitioner and his case manager testified to the following symptoms and abilities: fears being around people, hopelessness, anxiety and panic attacks, fearful in general, crying spells, suicidal thoughts as often as weekly as well as prior suicidal attempts, isolates self from others, paranoid thoughts, believes people are out to harm him, appetite is impacted by mood and he hears voices and sees his dead father. The Petitioner's daily activities of living are dramatically impacted by his psychological condition. His psychiatric records demonstrate an ongoing struggle with daily functioning. His treating psychiatrist's reports of the Petitioner's condition are consistent with the Petitioner's testimony. The Petitioner has had to be hospitalized at least two times in late 2015 due to thoughts of self-harm. His GAF scores are at or near 36, 37.

The Petitioner has been compliant with medications and his condition still hinders his ability to function.

In this case, this Administrative Law Judge finds that the Petitioner may be considered presently disabled at the third step. The Petitioner appears to meet listing 12.04 or its equivalent. This Administrative Law Judge will not continue through the remaining steps of the assessment. The Petitioner's testimony and the medical documentation support the finding that the Petitioner meets the requirements of a listing.

Therefore, the Petitioner 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 the Petitioner is medically disabled as of August, 2015.

Accordingly, the Department's decision is hereby **REVERSED** and the Department is ORDERED to initiate a review of the application dated August 25, 2015, if not done previously, to determine the Petitioner's non-medical eligibility. The Department shall inform the Petitioner of the determination in writing. A review of this case shall be set for April, 2017.



SH/nr

Susanne E. Harris
Administrative Law Judge
for Nick Lyon, Director
Department of Health and Human Services

NOTICE OF APPEAL: A party may appeal this Order in circuit court within 30 days of the receipt date. A copy of the circuit court appeal must be filed with the Michigan Administrative Hearing System (MAHS).

A party may request a rehearing or reconsideration of this Order if the request is received by MAHS within 30 days of the date the Order was issued. The party requesting a rehearing or reconsideration must provide the specific reasons for the request. MAHS will not review any response to a request for rehearing/reconsideration.

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

DHHS

[REDACTED]

Petitioner

[REDACTED]