



RICK SNYDER  
GOVERNOR

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

MIKE ZIMMER  
DIRECTOR

[REDACTED]  
[REDACTED]  
[REDACTED]  
Date Mailed: March 21, 2016  
MAHS Docket No.: 16-000366  
[REDACTED]  
[REDACTED]

**ADMINISTRATIVE LAW JUDGE: Vicki Armstrong**

**HEARING DECISION**

Following 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 March 8, 2016, from Lansing, Michigan. Petitioner personally appeared and testified. The Department of Health and Human Services (Department) was represented by Eligibility Specialist [REDACTED]

**ISSUE**

Whether the Department properly determined that Petitioner 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 January 12, 2016, Petitioner applied for SDA. (Hearing Summary).
2. On January 14, 2016, the Department issued Petitioner a Notice of Case Action informing Petitioner his application for SDA had been denied. (Dept Exh. A, pp 25-28).
3. On June 20, 2014, Petitioner had an initial psychiatric evaluation at Community Mental Health. Petitioner reported that for the most part, his mood was stable. He stated he was very motivated to stay on his medication because he is someone who has a lot of issues and is unable to work and feels that, as long as he is in treatment, he will do quite well. He reported high anxiety at baseline, and that he has had depression for the past few years due to the stress of no income and

unstable housing. He was still in mourning over the loss of his mother who died in 2011. It was noted that his past Stress Unit diagnoses were Major Depressive Disorder Recurrent and Alcohol withdrawal and dependence. Petitioner did not report or describe manic symptoms but stated he had bipolar disorder and has had mania in the past. He acknowledged alcohol dependence but reported continued use and was not motivated toward abstinence at the time of the evaluation. (Dept Exh. B, pp 118-122).

4. On April 7, 2015, Petitioner underwent a psychological evaluation on behalf of the Department. Petitioner's full scale IQ fell in the borderline range of cognitive function. His verbal IQ fell in the cognitively impaired range of function. Petitioner's ability to utilize social judgment, reason and logic in his decision making fell in the severely impaired range of function. The examining psychologist was concerned over Petitioner's history of substance abuse, although he noted Petitioner has maintained sobriety since October, 2014. The psychologist was unable to ascertain if Petitioner's emotional issues were affecting his ability to attain or maintain employment because Petitioner denied any clinically significant symptoms. Petitioner reported vague and chronic pain but stated his doctors were unable to work with that and could not help him to do something to make it better so that he was able to work. (Dept Exh. B, pp 66-72).
5. On December 9, 2015, Petitioner underwent a medical evaluation on behalf of the Department. Petitioner stated he had degenerative disc disease, chronic pain and bilateral carpal tunnel syndrome. X-rays showed mild cervical spondylosis at C5-C6 and minimal degenerative disc disease at C6-C7. The examining physician opined that Petitioner was able to complete all orthopedic maneuvers without difficulty. His range of motion was intact throughout. He did not use an assistive device for ambulation and his gait was intact. Grip strength was intact bilaterally with no digital dexterity loss. Tinel's test was negative bilaterally. Cardiac and pulmonary examinations were essentially normal. (Dept Exh. B, pp 57-60).
6. On January 19, 2016, Petitioner submitted a request for hearing. (Dept Exh. A, p 2).

### **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 Health and 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 Department

of Human Services) administers the MA program pursuant to 42 CFR 435, MCL 400.10, and MCL 400.105-.112k.

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.

"Disability" is:

. . . 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. [SDA = 90 day duration].

In this case, Petitioner credibly testified that he has been diagnosed with bipolar disorder and anxiety. A review of the evidence submitted at hearing supports the

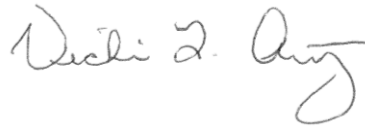
diagnoses, however there is nothing in the record indicating that Petitioner is or was unable to engage in substantial gainful work activity for at least 90 continuous days.

Petitioner did not mention his degenerative disc disease or bilateral carpal tunnel syndrome during the hearing. X-rays support that he has mild cervical spondylosis at C5-C6 and minimal degenerative disc disease at C6-C7. But Petitioner was not relying on these diagnoses for the SDA benefits. Had he relied on them, the mildness of the cervical spondylosis and minimal degenerative disc disease would not have met the definition of disability.

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 Petitioner not disabled for purposes of the SDA benefit program.

### **DECISION AND ORDER**

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



VLA/db

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**Vicki Armstrong**

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]  
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**Petitioner**

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