



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: April 1, 2016  
MAHS Docket No.: 16-001910

[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 16, 2016, from Lansing, Michigan. Petitioner personally appeared and testified. The Department of Health and Human Services (Department) was represented by Assistance Payment Supervisor Joann Sepic and 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 October 9, 2015, Petitioner filed an application for SDA benefits alleging disability. (Dept Exh. A, pp 1-26).
2. On February 3, 2016, the Medical Review Team (MRT) denied Petitioner's application for SDA indicating that Petitioner's impairments will not prevent employment for 90 days or more. (Dept Ex. C, pp 1-7).
3. On February 5, 2016, the Department sent Petitioner notice that his SDA application was denied. (Dept Ex. B, pp 1-2).
4. On February 11, 2016, Petitioner filed a request for a hearing to contest the Department's negative action.

5. Petitioner has a history of hypertension, severe osteoarthritis, status post bilateral hip replacements, bilateral knee arthroscopies, morbid obesity, degenerative joint disease and degeneration of intervertebral disc of lumbar region.
6. On September 1, 2015, Petitioner was admitted to the hospital and underwent right total hip arthroplasty without complications. He was discharged on September 3, 2015. (Dept Exh. C, pp 29-36).
7. On September 18, 2015, Petitioner followed up with his orthopedic surgeon reference his right total hip arthroplasty. The surgeon noted Petitioner was doing well. X-rays showed a stable alignment of his right total hip arthroplasty without evidence of hardware failure. Petitioner was advised to continue weight bearing as tolerated. (Dept Exh. C, p 37).
8. On October 12, 2015, Petitioner saw his surgeon regarding his right total hip arthroplasty. Petitioner stated that he had minimal pain. He denied any problems with his incision. Petitioner stated that overall he was doing well. Petitioner was ambulating with a steady gait. X-rays of the right hip showed a well-aligned right total hip arthroplasty without evidence of hardware failure. X-rays of Petitioner's left hip showed severe left hip arthritis with diminished joint space, subchondral sclerosis and osteophyte formation. Petitioner was advised he was a candidate for left total hip arthroplasty and told he must wait three months before he could have the surgery. (Dept Exh. C, p 38).
9. On October 20, 2015, Petitioner's primary care physician completed a Medical Examination Report. Petitioner was diagnosed with degenerative joint disease of the hips. The physician noted Petitioner had no mental limitations. The physician opined Petitioner was capable of doing some things but nothing that required a lot of movement due to the pain in his hips. (Dept Ex. C, pp 8-9).
10. On December 8, 2015, Petitioner underwent left total hip arthroplasty. He was placed on deep vein thrombosis prophylaxis due to increased swelling and drainage of the surgery site. Petitioner was discharged on December 9, 2015. (Dept Exh. C, pp 45-54).
11. On March 10, 2016, Petitioner's primary care physician restricted Petitioner from squatting, kneeling, easily transitioning, carrying objects or walking stairs due to Petitioner's knee and hip arthritis. (Claimant's Exhibits, pp 1-2).
12. Petitioner is a [REDACTED]-year-old man born on [REDACTED]. Petitioner is 5'7" tall and weighs 214 lbs. Petitioner completed high school and last worked in June, 2015 as a bus driver.

### CONCLUSIONS OF LAW

As an initial matter, a review of the evidence submitted by the Department found pages 154 through 184 were not Petitioner's medical records. Therefore, those pages will not be admitted into evidence.

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 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.

Petitioner credibly testified that he had undergone two total hip replacements. He stated the hip replacements had decreased the pain in his hips somewhat. He testified that since the hip replacements, he has been confined to his bedroom and uses a cane or walker. He stated he can walk 50 feet, stand or sit for five to ten minutes before

becoming stiff and carry five to 10 pounds. Since the surgeries, Petitioner stated he has been stressed and is suffering from depression.

A review of the evidence submitted at hearing did not indicate Petitioner was required to use a cane or a walker. The Departmental representative testified that Petitioner had arrived for the hearing using a walker and appeared comfortable during the hearing. Further, Petitioner's primary care physician indicated Petitioner was capable of doing some things, as long as they did not include a lot of movement due to the pain in his hips.

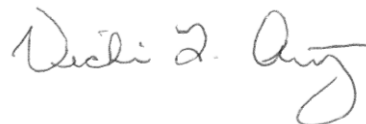
The objective medical evidence of record is sufficient to establish that Petitioner is capable of performing at least sedentary duties. As a result, the Administrative Law Judge finds that Petitioner failed to provide the necessary objective medical evidence to establish that he is mentally or physically incapable of doing basic work activities. Moreover, there is no evidence that Petitioner 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 Petitioner not disabled for purposes of the SDA benefit program.

### **DECISION AND ORDER**

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

**It is SO ORDERED.**



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

[REDACTED]

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