



STATE OF MICHIGAN

GRETCHEN WHITMER
GOVERNOR

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
SUZANNE SONNEBORN
EXECUTIVE DIRECTOR

MARLON I. BROWN, DPA
ACTING DIRECTOR



Date Mailed: [REDACTED] 2, 2024
MOAHR Docket No.: 23-008113
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Aaron McClintic

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. After due notice, a telephone hearing was held on January 3, 2024, from Lansing, Michigan. The Petitioner was represented by herself. The Department of Health and Human Services (Department) was represented by Ryan Reisig Eligibility Specialist. Department exhibit 1, pp. 1- 520 was received and admitted.

ISSUE

Did the Department properly determine 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. Petitioner applied for SDA on [REDACTED] 2023.
2. The Medical Review Team denied the application on November 8, 2023.
3. On November 9, 2023, Notice of Case Action was sent to Petitioner informing him that his SDA application was denied.
4. Petitioner filed a request for hearing on November 16, 2023, regarding the SDA denial.
5. A telephone hearing was held on January 3, 2024.

6. Petitioner is [REDACTED] tall and weighs approximately [REDACTED] pounds.
7. Petitioner is [REDACTED] years of age.
8. Petitioner's impairments have been medically diagnosed as sickle cell anemia, bipolar disorder, schizophrenia, and post-traumatic stress disorder.
9. Petitioner has the following symptoms: pain, fatigue, insomnia, auditory hallucinations, panic attacks, night terrors.
10. Petitioner completed a master's in counseling.
11. Petitioner is able to read, write, and perform basic math skills.
12. Petitioner is not working. Petitioner last worked in December 2022 as a bell ringer. Petitioner previously worked as a home health care worker and lunch aide.
13. Petitioner lives at a shelter.
14. Petitioner testified that she cannot perform some household chores.
15. Petitioner takes the following prescribed medications:
 - a. Ferrous sulfate
 - b. Spiralactone
 - c. Abilify
 - d. Trazodone
16. Petitioner testified to the following physical limitations:
 - a. Sitting: no limitations
 - b. Standing: 2-3 hours
 - c. Walking: 20 minutes
 - d. Bend/stoop: some difficulty
 - e. Lifting: 5-8 lbs.
 - f. Grip/grasp: no limitations
17. In a Mental Status Examination report dated [REDACTED] 2023, the examining psychologist stated the following under Medical Source Statement: "At the time of this exam, the patient is not presenting with any acute psychotic symptoms, nor is there any evidence of major depression or anxiety interfering with her daily functioning, given she remains compliant with her psychiatric medication and involved in some supportive counseling. The history is suggestive of a personality disorder with borderline features, possible, and a possible acute stress disorder secondary to a period of homelessness, unemployment and separation from family members. She does not evidence any marked

impairments in memory, concentration, or cognitive functioning.” (Ex. 1, pp. 191-194)

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 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 the MA-P program. 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.

Federal regulations require that the Department use the same operative definition for “disabled” as used for Supplemental Security Income (SSI) under Title XVI of the Social Security Act. 42 CFR 435.540(a).

“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.

In determining whether an individual is disabled, 20 CFR 416.920 requires the trier of fact to follow a sequential evaluation process by which current work activity, the severity of the impairment(s), residual functional capacity, and vocational factors (i.e., age, education, and work experience) are assessed in that order. When a determination that an individual is, or is not, disabled can be made at any step in the sequential evaluation, evaluation under a subsequent step is not necessary.

First, the trier of fact must determine if the individual is working and if the work is substantial gainful activity. 20 CFR 416.920(b). In this case, the Petitioner is not working. Therefore, the Petitioner is not disqualified at this step in the evaluation.

The second step to be determined in considering whether the Petitioner is considered disabled is the severity of the impairment. In order to qualify the impairment must be considered severe, which is defined as an impairment which significantly limits an individual's physical or mental ability to perform basic work activities. Examples of these include:

1. Physical functions such as walking, standing, sitting, lifting, pushing, reaching, carrying, or handling;
2. Capacities for seeing, hearing, and speaking;
3. Understanding, carrying out, and remembering, simple instructions;
4. Use of judgment;
5. Responding appropriately to supervision, co-workers, and usual work situations;
and
6. Dealing with changes in a routine work setting. 20 CFR 416.921(b).

In this case, the Petitioner's medical evidence of record supports a finding that Petitioner has significant physical and mental limitations upon Petitioner's ability to perform basic work activities such as walking, standing, sitting, lifting, pushing, pulling, reaching, carrying, or handling. Medical evidence has clearly established that the Petitioner has an impairment (or combination of impairments) that has more than a minimal effect on the Petitioner's work activities. See Social Security Rulings: 85-28, 88-13, and 82-63.

In the third step of the analysis, the trier of fact must determine if the Petitioner's impairment (or combination of impairments) is listed in Appendix 1 of Subpart P of 20 CFR, Part 404. This Administrative Law Judge finds that the Petitioner's medical record does not support a finding that the Petitioner's impairment(s) is a "listed impairment" or equal to a listed impairment. See Appendix 1 of Subpart P of 20 CFR Part 404, Part A. Listings 12.03 and 12.04 were considered.

The person claiming a physical, or mental, disability has the burden to establish it through the use of competent medical evidence from qualified medical sources such as clinical/laboratory findings, diagnosis/prescribed treatment, prognosis for a recovery and/or medical assessment of ability to do work-related activities, or ability to reason and to make appropriate mental adjustments, if a mental disability is being alleged. 20 CFR 416.913. A conclusory statement by a physician, or mental health professional,

that an individual is disabled, or blind, is not sufficient without supporting medical evidence to establish disability. 20 CFR 416.927.

The fourth step of the analysis to be considered is whether the Petitioner has the ability to perform work previously performed by the Petitioner within the past 15 years. The trier of fact must determine whether the impairment(s) presented prevent the Petitioner from doing past relevant work. In the present case, the Petitioner's past employment was as a home health worker and lunch aide. Working as a lunch aide, as described by Petitioner at hearing, would be considered light exertional work. The Petitioner's impairments would not prevent her from doing past relevant work. Petitioner is physically capable of performing her previous job as a lunch aide and her psychological impairments are not substantially limiting according to the findings of the consultative exam completed on [REDACTED] 2023. (Ex. 1, pp. 191-194).

Accordingly, this Administrative Law Judge concludes that Petitioner is not disabled for purposes of the SDA program.

DECISION AND ORDER

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

AM/ml



Aaron McClintic
Administrative Law Judge

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 Office of Administrative Hearings and Rules (MOAHR).

A party may request a rehearing or reconsideration of this Order if the request is received by MOAHR 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. MOAHR will not review any response to a request for rehearing/reconsideration.

A written request may be mailed or faxed to MOAHR. If submitted by fax, the written request must be faxed to (517) 763-0155; Attention: MOAHR Rehearing/Reconsideration Request.

If submitted by mail, the written request must be addressed as follows:

Michigan Office of Administrative Hearings and Rules
Reconsideration/Rehearing Request
P.O. Box 30639
Lansing, Michigan 48909-8139

Via Electronic Mail:

DHHS
Pam Farnsworth
Monroe County DHHS
903 Telegraph
Monroe, MI 48161
MDHHS-Monroe-Hearings@michigan.gov

Interested Parties
BSC4
L Karadsheh

Via First Class Mail:

Petitioner
[REDACTED]
MI [REDACTED]