

SAMPLE 2

**HEARING SUMMARY DETAILS
CECIL COUNTY DSS
MS. RUTH JOHNSON
OAH ID #
04/08/2005**

Ms. Johnson is appealing the Cecil County DSS decision to close her Temporary Disability Assistance Program (TDAP) benefits. Ms. Johnson has been receiving assistance for herself only each month since February 2004 under the Temporary Emergency Medical Housing Assistance Program (TEMHA). Ms. Johnson 's TEMHA certification was for six months, through July 30, 2004.

TDAP replaced the TEMHA program, which ended on September 30, 2004. The Department of Human Resources (DHR), which oversees the TDAP program decided to allow recipients to receive assistance under the TEMHA program until the individual's existing certification expired. On and after October 1, 2004, TDAP applications were processed. Ms. Johnson stated she did not want to apply for Medical Assistance at the time of her re-application in August 1, 2004. She stated she had health care coverage through her former employer.

Ms. Johnson's TDAP was certified for 3 months, for the months of August, September and October 2004, pending a decision by the State Review Team (SRT). SRT is mandated to determine disability in accordance with the Social Security Administration's (SSA) 5 Steps of Sequential Evaluation Process. SSA defines disability as the inability to engage in any substantial activity by reason of medically determined physical or mental impairment or impairments, which is expected to last 12 months or more, or which can be expected to result in death.

The SRT determined that Ms. Johnson's disability does not meet the criteria in step two, to be disabled 12 months or more based on her medical documentation.

Step Two: Do you have a severe impairment?

A severe impairment is defined as any impairment or combination of impairments, which significantly limits your physical or mental ability to do basic work activities. Basic work activities mean the abilities and aptitudes necessary to do most jobs. Pain must be considered as a factor that may limit the performance of one or more of the functions listed below. Examples of this:

1. Physical functions such as walking, standing, sitting, lifting, pushing, pulling, 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 situation; and
6. Dealing with changes in routine work settings.

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Based on the information received by SRT you do not have a severe impairment. Therefore, you do not meet the Social Security Administration's definition of disability. The SRT determination is that you are not disabled for the purpose of obtaining Temporary Disability Assistance Program assistance.

Had the SRT found Ms. Johnson to be disabled, and she met the other TDAP requirements, her benefits would have been resumed from November 1, 2004 for up to 12 months on the original re-application in August. However, TDAP regulations state that a recipient may not receive TDAP if the recipient has received TEMHA or TDAP assistance for 9 out of the last 36 months, unless SRT finds the individual disabled for 12 months or more.

Ms. Johnson is not eligible for TDAP assistance because she has received assistance for more than 9 out of the last 36 months under the TEMHA program and the SRT has determined that she does not have a medical disability that will last 12 months or more or is expected to result in death.

A copy of the SRT information was sent to Ms. Johnson along with the notice advising Ms. Johnson that she is not eligible for TDAP.