

compromised" and that she is "unsteady on her feet . . . bumps into things." The treating physician's opinions regarding the petitioner's limitations are uncontroverted by any other examining source.

Based on the uncontroverted medical evidence it is found that the petitioner's residual functional capacity is, at a maximum, limited to sedentary work (see infra).

ORDER

The department's decision is reversed.

REASONS

Medicaid Manual Section M211.2 defines disability as follows:

Disability is the inability to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment, or combination of impairments, which can be expected to result in death or has lasted or can be expected to last for a continuous period of not fewer than twelve (12) months. To meet this definition, the applicant must have a severe impairment, which makes him/her unable to do his/her previous work or any other substantial gainful activity which exists in the national economy. To determine whether the client is able to do any other work, the client's residual functional capacity, age, education, and work experience is considered.

In addition to the above, the regulations provide that an individual of the petitioner's age, education, and work experience must be considered disabled if she is limited to "sedentary work" (as defined by 20 C.F.R. § 416.967(a)). 20 C.F.R. § 404, Subpart P, Appendix II, Rule 201.04 or 201.056. Since the evidence clearly establishes that the

petitioner is so limited, the department's decision is reversed.

#