

Based on the medical evidence it is found that the petitioner, at a maximum, would be limited to sedentary work--and even with that, to less than a normal 8-hour workday.

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 is 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 201.09. Since uncontroverted medical evidence establishes that the petitioner is so limited, the department's decision is reversed.

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