

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF: [REDACTED],
Claimant

Reg. No: 2009-30124
Issue No: 4031
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
August 27, 2009
Wayne County DHS

ADMINISTRATIVE LAW JUDGE: Landis Y. Lain

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon claimant's request for a hearing. After due notice, a telephone hearing was held on August 27, 2009. Claimant personally appeared and testified.

ISSUE

Did the Department of Human Services (the department) properly deny claimant's State Disability Assistance benefits?

FINDINGS OF FACT

The Administrative Law Judge, based upon the competent, material and substantial evidence on the whole record, finds as material fact:

- (1) Claimant was denied State Disability Assistance benefits on May 25, 2009 by the Medical Review Team. He was a no-show for his appointment.
- (2) He then came in and reapplied and again was a no-show for his appointment.

(3) A DHS-3503, Verification Checklist, was sent out on June 18, 2009 with an appointment for June 24, 2009.

(4) On June 16, 2009, claimant filed a request for a hearing to contest the department's negative action.

(5) The department conceded on the record that the paperwork was sent to the incorrect address.

CONCLUSIONS OF LAW

The State Disability Assistance (SDA) program which provides financial assistance for disabled persons is established by 2004 PA 344. The Department of Human Services (DHS or department) administers the SDA program pursuant to MCL 400.10, *et seq.*, and MAC R 400.3151-400.3180. Department policies are found in the Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

In the instant case, the department conceded on the record that all of claimant's correspondence was sent to the incorrect address. Therefore, claimant did not have notice of his appointments which is why he did not show up for them.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, determines that the department has not established by the necessary, competent, material, and substantial evidence on the record that it was acting in compliance with department policy when it denied claimant's application for State Disability Assistance benefits.

Accordingly, the department's decision is REVERSED. The department is ORDERED to confirm claimant's correct address and to reinstate his May 28, 2009 SDA application, provide him with the a DHS-3503, Verification Checklist, so that claimant can provide the appropriate

verification information within 30 days and to make a determination as to claimant's eligibility for State Disability Assistance benefits. The department shall notify claimant in writing of his eligibility for State Disability Assistance benefits.

/s/ _____
Landis Y. Lain
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: September 29, 2009

Date Mailed: September 30, 2009

NOTICE: Administrative Hearings may order a rehearing or reconsideration on either its own motion or at the request of a party within 30 days of the mailing date of this Decision and Order. Administrative Hearings will not order a rehearing or reconsideration on the Department's motion where the final decision cannot be implemented within 90 days of the filing of the original request.

The Claimant may appeal the Decision and Order to Circuit Court within 30 days of the mailing of the Decision and Order or, if a timely request for rehearing was made, within 30 days of the receipt date of the rehearing decision.

LYL/vmc

cc:

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