

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: 2009-15105

Issue No: 2006

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

August 20, 2009

Genesee County DHS

ADMINISTRATIVE LAW JUDGE: Lisa D. Dahlquist

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 20, 2009. Claimant appeared and testified. Sandra Churchill, Eligibility Specialist, and Marlisha Holman, Eligibility Specialist (Observer), appeared on behalf of the Department.

ISSUE

Did the Department properly deny claimant's application for State Disability Assistance (SDA) and State Adult Medical Program (AMP)?

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 applied for SDA and AMP on September 18, 2008.

2. The case was sent to the Medical Review Team (MRT), an exam was conducted, and approval was issued by MRT on November 3, 2008.
3. November 18, 2008, the Department sent the claimant Verification Checklist (DHS-3503) requesting proof of SSI/RSDI application or appeal (DHS-1552).
4. Verification was due on November 28, 2008.
5. On November 21, 2008, claimant requested information on how to apply for Social Security and the Department extended the verification due date to December 10, 2008.
6. On December 22, 2008, the Department issued Application Eligibility Notice (DHS-1150) for failure to return the Social Security verification.
7. On December 23, 2008, the Department received a copy of claimant's medical appointment notification letter with a written note that he had applied for SSI. He failed to provide DHS-1552, but did provide the Department with the Social Security statement (SSA-7005).
8. Claimant indicated he applied for Social Security "twice". The first application submitted was misplaced by the office; the second application was denied.
9. The Department's representative acknowledged the Social Security Administration's "denial" letter should be sufficient proof the claimant had applied for SSI. Therefore, the Department agreed to reinstate and reprocess claimant's application for SDA and AMP of September 18, 2008.
10. Claimant was in agreement with the proposed action to be taken by the Department and no longer wished to proceed with the hearing.

CONCLUSIONS OF LAW

The State Disability Assistance (SDA) Program, which provides financial assistance for disabled persons is established by 2004 PA344. The Department of Human Services (formerly known as the Family Independence Agency) 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).

The Adult Medical Program (AMP) is established by Title XXI of the Social Security Act; (1115) (a) (1) of the Social Security Act, and is administered by the Department of Human Services (formerly known as the Family Independence Agency) pursuant to MCL 400.10, *et seq.* Department policies are contained in the Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

Under Program Administrative Manual Item 600, clients have the right to contest any Department decision affecting eligibility or benefit levels whenever they believe the decision is illegal. The Department provides an Administrative Hearing to review the decision and determine if it is appropriate. Department policy includes procedures to meet the minimal requirements for a fair hearing. Efforts to clarify and resolve the client's concerns start when the Department receives a hearing request and continues to the date of the hearing.

In the present case, claimant is contesting the denial of his application for SDA and AMP filed on September 18, 2008. Claimant provided verification to the Department that he had filed for Social Security based on the application "denial" letter issued by the Social Security Administration. The Department agreed to reinstate and reprocess claimant's application for SDA and AMP. Claimant was in agreement with the proposed action to be taken by the

Department and no longer wished to proceed with the hearing. Since the parties have reached an agreement, it is unnecessary for this Administrative Law Judge to make a decision regarding the facts and issues in this case.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that the parties have come to a settlement regarding claimant's request for a hearing. Therefore, it is ORDERED that the Department reinstate and reprocess claimant's application for SDA and AMP of September 18, 2008 in accordance with this Settlement Agreement.

/s/

Lisa D. Dahlquist
Administrative Law Judge
for Ismael Ahmed, Director

Department of Human Services

Date Signed: September 3, 2009

Date Mailed: September 9, 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 receipt 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.

LDD/law

2009-15105/LDD

cc:

