

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.: 2009-16099  
Issue No.: 1002/2001/2009  
Case No.: [REDACTED]  
Load No.: [REDACTED]  
Hearing Date:  
May 14, 2009  
Oakland County DHS (3)

ADMINISTRATIVE LAW JUDGE: Michael J. Bennane

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9; MSA 16409 and MCL 40037; MSA 16.437 upon the Claimants request for a hearing. After due notice, a telephone hearing was held on May 14, 2009. The Claimant was personally appeared and testified.

ISSUES

Did the Department properly determine the Claimant's Medical Assistance (MA), and State Disability Assistance (SDA)?

FINDINGS OF FACT

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

1. The claimant was a MA and FIP recipient.
2. On December 18, 2007, the department notified the claimant that her FIP and MA were to be cancelled.

3. On December 18, 2007, the claimant contacted the department about the availability of programs.
4. On February 10, 2009, the claimant applied for MA and SDA.
5. On February 18, 2009, the Claimant filed a request for a hearing.

#### CONCLUSIONS OF LAW

The Medical Assistance (MA) program is established by Title XIX of the Social Security Act and is implemented by Title 42 of the Code of Federal Regulations (CFR). The Department of Human Services (formerly known as the Family Independence Agency) administers the MA program pursuant to MCL 400.10, et seq., and MCL 400.105. Department policies are found in the Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

The State Disability Assistance (SDA) program which provides financial assistance for disabled persons is established by 2004 PA 344. 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 Claimant questions whether the department properly advised her when she contacted the department to see if there were any available programs. The claimant suggests that although the Adult Medical Program was closed at that time the department failed to advise her of the availability of applying for MA (disability) and SDA.

#### **Request for Assistance**

#### **All Programs**

A request for assistance may be in person, by mail, telephone or an application can be obtained on the Internet. The requester has the right to receive the appropriate application form: (PAM 110, p.1).

And:

### **Helping Clients**

#### **All Programs**

The local office must assist clients who need and request help to complete the application form. See [PAM 105](#).

The time limit to respond depends on the circumstance:

For clients in the local office, within one workday.

For clients who send a letter, a return letter or phone call within five workdays after receiving the letter.

For clients who telephone,

A return call within one workday, **or**

**A letter within five workdays. (PAM 115, pp. 1-2)**

In the instant case, the department declined to respond when the claimant stated that she asked the department about programs for which she might qualify.

This ALJ finds that the department erred in not assisting the claimant in applying for MA disability and SDA on December 18, 2008, when she questioned the department about benefits for which she might qualify

### DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law, **REVERSES AND ORDERS** the Department to return to December 18, 2008, date and reregister the claimant's MA and SDA application on that date.

/s/

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Michael J. Bennane  
Administrative Law Judge  
for Ismael Ahmed, Director

Department of Human Services

Date Signed: 06/16/09

Date Mailed: 06/17/09

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.

MJB/jlg

cc:

