

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.: 2010-13429
Issue No.: 2009
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date:
June 1, 2010
Oakland County DHS (2)

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

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 conducted from Detroit, Michigan on June 1, 2010. Claimant appeared and testified; [REDACTED] also appeared and testified. On behalf of Department of Human Services (DHS), [REDACTED] Manager, appeared and testified.

ISSUE

1. Whether DHS properly denied Claimant's 11/9/09 request for Medical Assistance and State Disability Assistance based on disability.
2. Whether Claimant is entitled to State Emergency Relief for housing assistance without ever applying.

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 State Disability Assistance (SDA) and Medical Assistance (MA) on 11/9/09.
2. Claimant contends he is disabled.
3. DHS denied Claimant request for SDA and MA on 11/13/09 due to Claimant failing to complete the application process.
4. At some unknown subsequent date, DHS reinstated Claimant's SDA and MA request and referred Claimant's medical documents to the Medical Review Team (MRT) for evaluation.
5. Claimant submitted a hearing request on 11/23/09 regarding denial of SDA and MA requests and denial of a "housing" program.

CONCLUSIONS OF LAW

Medical Assistance and State Disability Assistance

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 Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Reference Tables Manual (RFT).

MA provides medical assistance to individuals and families who meet financial and nonfinancial eligibility factors. The goal of the MA program is to ensure that essential health care services are made available to those who otherwise would not have financial resources to purchase them.

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 Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Reference Tables Manual (RFT).

In the present case, Claimant applied for SDA and MA benefits and was denied four days following the application date. DHS denied Claimant's request for some unspecified failure to complete the application process. At the hearing DHS indicated Claimant's requests were reinstated back to the original date of 11/9/09 and that the MRT is in the process of evaluating Claimant's claim of disability. DHS and Claimant agree that reinstatement of the 11/9/09 requests is an appropriate remedy for Claimant.

State Emergency Relief

The State Emergency Relief (SER) program is established by 2004 PA 344. The SER program is administered pursuant to MCL 400.10, *et seq.*, and by final administrative rules filed with the Secretary of State on October 28, 1993. MAC R 400.7001-400.7049. Department of Human Services (formerly known as the Family Independence Agency) policies are found in the Emergency Relief Manual (ERM).

Claimant indicated on the hearing request that some "housing" issue is in dispute. Claimant testified that he lives with someone but because he is living at someone else's residence, he considers himself to be homeless. Claimant seeks some sort of relief to move into his own residence.

Based on the programs offered by DHS, State Emergency Relief would be the only program that assists clients with payment for their residence. Claimant has yet to apply and failed to indicate on his 11/9/09 Assistance Application that he wished to apply. Completing the application process is a requirement to SER eligibility. ERM 101 at 1. The undersigned cannot make a decision on Claimant's housing circumstances when Claimant has yet to request assistance from DHS regarding housing assistance. It is found that Claimant does not have a reviewable issue of SER as he has yet to apply for SER.

Claimant may apply for SER at any time by submitting an SER application to DHS. It should be noted that submission of an SER application is not a guarantee of approval.

DECISION AND ORDER

Claimant's hearing request is DISMISSED in part. The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that Claimant failed to apply for SER assistance and has not established a reviewable issue regarding SER.

The actions of DHS are AFFIRMED. The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that DHS initially erred by denying Claimant's 11/9/09 request for MA and SDA but properly reinstated the requests prior to the hearing.



Christian Gardocki
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 6/10/2010

Date Mailed: 6/10/2010

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.

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