

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: 2010-23611

Issue No: 4001

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

April 23, 2010

Livingston County DHS

ADMINISTRATIVE LAW JUDGE: Rhonda P. Craig

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 hearing was held on April 23, 2010. Claimant was not represented.

ISSUE

Did the department properly fail to provide claimant with State Disability (SDA) benefits retroactive to March 2009?

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 Medical Assistance in March of 2009 and requested SDA in May of 2009.
- (2) Claimant requested a hearing on December 10, 2009 regarding the department's failure to provide Medical Assistance and SDA benefits.

- (3) In December 2009, after the request for a hearing was filed, the department determined that claimant was eligible for MA and SDA benefits.
- (4) The department determined that claimant was eligible for MA effective March 2009 and SDA effective December 2009.
- (5) Claimant is seeking retroactive SDA benefits to March 2009.

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).

Under BAM manual item 110, 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. For a request in person, the local office must:

Give the requester an application the same day; and Explain his right to file the application (or DHS-1171 Filing Form, with the minimum information) that day and encourage him to do so; and Explain that the application date might affect the amount of benefits. BAM 110.

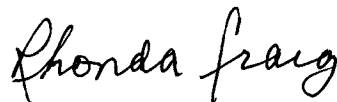
In the present case the department found claimant eligible for SDA benefits beginning in December 2009. Claimant is seeking benefits back to March 2009. This Administrative Law Judge finds that the claimant is entitled to benefits retroactive to May, 2009. Evidence from testimony by the claimant and his witness indicates that claimant came into department offices in May of 2009 to inquire about cash assistance. At that time claimant should have been given the

necessary forms for applying for the SDA program as per policy cited above. The department argues that there are no records of claimant's request for SDA prior to December 2009. However this Administrative Law Judge finds that the testimony of the claimant and his witness is credible in the light of the fact that claimant was also seeking Medical Assistance at the time and did not get any decision regarding the March application until December. It should be noted that the department representative working on claimant's MA and SDA application was not present at the hearing. Therefore there was no rebuttal testimony regarding events which occurred between the claimant and the representative. Claimant however did not present evidence that an attempt to apply occurred before May; therefore, I cannot find that claimant is entitled to SDA benefits for March and April 2009.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department erred in failing to provide claimant with SDA benefits effect May 2009.

IT IS ORDERED, That the department provide claimant with SDA benefits retroactive to May 2009, if he is otherwise eligible, in accordance this opinion.



Rhonda P. Craig
Administrative Law Judge
for Marianne Udow, Director
Department of Human Services

Date Signed: 4/30/2010

Date Mailed: 4/30/2010

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.

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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.

RPC/jlg

cc:

