

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: 2010-44910

Issue No: 4001

Case No:

[REDACTED]

Load No:

Hearing Date:

September 14, 2010

Kent County DHS

ADMINISTRATIVE LAW JUDGE: Suzanne L. Morris

REHEARING 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 September 14, 2010. The original hearing was held in this case on June 24, 2010. A rehearing was ordered on August 10, 2010. A rehearing is a full hearing which is granted when the original hearing record is inadequate for purposes of judicial review or there is newly discovered evidence that could affect the outcome of the original hearing decision. BAM 600. When a rehearing is granted, the State Office of Administrative Hearings and Rules will schedule and conduct the hearing in the same manner as the original hearing. BAM 600.

ISSUE

Did the department properly determine the eligibility begin date for State Disability Assistance (SDA)?

FINDINGS OF FACT

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

1. The department received verification of the claimant's participation in Michigan Rehabilitation Services (MRS) on May 29, 2009. (Department Exhibit 1)
2. The department requested the claimant complete another application (the previous application was from December, 2008), which was turned into the department on July 13, 2009. (Department Exhibit 2)
3. The department wrote the claimant a letter on August 26, 2009, informing her that the letter from MRS had been received on May 29, 2009, but that due to a move to a new office location, the department worker did not notice the claimant had turned in the letter from MRS to receive SDA benefits until July, 2009, which is when the new application was requested.
4. The department determined the claimant's eligibility for SDA from July 13, 2009, the date the new application was received.
5. The claimant requested a hearing on September 22, 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 Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Program Reference Manual (PRM).

Department policy indicates that persons receiving services from Michigan Rehabilitation Services (MRS) (with an active case) will meet the SDA disability requirement. BEM 261. The

claimant submitted a letter from MRS on May 29, 2009 that evidenced MRS had accepted her as a client. Thus, this letter showed her eligibility for SDA benefits.

The department testified that they did not have a current application on file, so they requested the claimant to provide a new application. This was received on July 13, 2009. The department used this date to establish the claimant's eligibility for SDA services.

The claimant testified that she had already applied for SDA in December, 2008 and had been referred to MRS by the department worker. The claimant further testified that she was told by the department worker to turn in proof of MRS acceptance and she would qualify for SDA benefits. It is noted that this Administrative Law Judge left the record open until September 28, 2010 to allow the department to submit the December, 2008 application. However, the department failed to submit the evidence requested.

The department does not dispute that the claimant turned in the MRS letter on May 29, 2009. The department worker authored a letter to the claimant that indicated while she had received the MRS letter on May 29, 2009, the local office was in the process of moving and she didn't get a chance to review it until much later. This Administrative Law Judge finds the claimant credible in her testimony that she didn't get notified that the department needed another application until July, 2009, more than a month after she turned in the MRS letter to the department. The claimant is accurate in her complaint that she could have turned in an application much sooner had she known that the department needed one.

It is through no fault of the claimant that the department was moving at this time and did not notice the letter they had received over a month earlier had established the claimant's SDA eligibility or that the claimant needed to submit another application. Thus, this Administrative

Law Judge finds that the claimant did, for all practical purposes, submit her application for SDA on May 29, 2009, when she submitted the letter establishing her MRS participation.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department improperly determined the eligibility begin date for State Disability Assistance (SDA).

Accordingly, the department's determination is REVERSED. The department shall consider the claimant's application date for SDA as of May 29, 2009 and issue the claimant any retroactive SDA benefits that she is entitled to receive. SO ORDERED.

/s/ _____
Suzanne L. Morris
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: October 19, 2010

Date Mailed: October 20, 2010

NOTICE: The law provides that within 30 days of receipt of the above Rehearing Decision and Order, the claimant may appeal it to the circuit court for the county in which he/she lives.

SLM 

cc: 