

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2010-46202
Issue No.: 4001
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: December 1, 2010
Wayne County DHS (18)

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 the claimant's request for a hearing. After due notice, a telephone hearing was held on December 1, 2010. The claimant appeared and testified; [REDACTED] also appeared and testified as Claimant's authorized hearing representative. On behalf of Department of Human Services (DHS), [REDACTED], Specialist, and [REDACTED], Manager, appeared and testified.

ISSUE

Whether DHS properly denied Claimant's State Disability Assistance (SDA) benefits based on Claimant's alleged failure to timely submit required verifications and/or Claimant's subsequent request for withdrawal.

FINDINGS OF FACT

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

1. On 3/17/10, Claimant submitted an Assistance Application to DHS requesting Medical Assistance (MA) benefits.
2. The basis of SDA and MA benefits was that Claimant was a disabled individual.
3. Upon interviewing Claimant, Claimant's DHS specialist determined that Claimant would also be best served by also applying for SDA benefits.
4. Based on the interview with Claimant, DHS registered a SDA benefit request on Bridges for Claimant.

5. On an unspecified date, DHS requested unspecified documents from Claimant concerning Claimant's disability; the documents were required for a determination on Claimant's SDA and MA benefits.
6. On 4/15/10, DHS denied Claimant's SDA benefits, but not the MA benefits, based on Claimant's alleged failure to return requested documents.
7. On 6/25/10, Claimant submitted a signed request to withdraw the pending MA application; Claimant also requested withdrawal of the SDA application though DHS had already denied the application.
8. Claimant submitted another application for MA and SDA benefits on 7/12/10.
9. On an unspecified date, DHS approved Claimant's 7/12/10 dated application and approved MA benefits for Claimant back to 3/2010 and SDA benefits for Claimant beginning 8/1/10.
10. On 7/27/10, Claimant requested a hearing disputing the DHS failure to issue SDA benefits from Claimant's application dated 3/17/10.

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 (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).

An application or filing form, with the minimum information, must be registered on Bridges unless the client is already active for that program. BAM 110 at 6. DHS is to register a signed application or filing form, with the minimum information, within one workday for all requested programs. *Id* at 16.

Requests for assistance may be oral or written. *Id* at 15. Those containing enough identifying information may be registered. *Id*.

In the present case, it was not disputed that Claimant submitted an Assistance Application dated 3/17/10 which only requested MA benefits, not SDA (cash) benefits. DHS initially contended that there was no reason to believe that Claimant ever pursued

SDA benefits. During the course of the administrative hearing, DHS discovered (on their own initiative) that SDA benefits were registered on the DHS database, Bridges, with a 3/17/10 application date. DHS could not explain why SDA benefits were registered for Claimant when the corresponding application did not request the benefits. The only apparent reasonable explanation was that during an interview concerning Claimant's Assistance Application, Claimant's DHS specialist realized it was in Claimant's best interest to apply for SDA benefits as well as MA benefits. Though Claimant's Assistance Application was not documented to reflect this occurrence, this can be explained by an oversight by the interviewing specialist. It is found that Claimant made an oral request for SDA benefits on 3/17/09.

As stated above, DHS regulations do not require Claimant to make a request for benefits in writing. It is found that Claimant requested SDA benefits from DHS on 3/17/10 and that DHS properly registered the request.

DHS also discovered during the administrative hearing that Claimant's SDA benefits were denied on 4/15/10 due to an alleged failure by Claimant to return requested verifications. DHS failed to submit any evidence of what documents were requested, when it was requested or how Claimant failed to meet the request. The undersigned cannot uphold a DHS application denial based on a failure to return documents without any supporting evidence.

For good measure, DHS conceded that because Claimant likely timely submitted documents for his MA benefits because he was approved for MA benefits stemming from his 3/17/10 application. SDA benefits were simultaneously requested with the MA benefits. Though the undersigned cannot be certain without knowing what specific documents were requested, the documents needed for the MA benefits were probably the same documents needed for the SDA benefits. Thus, it seems unlikely that Claimant failed to submit required documents for SDA benefits but did submit them timely for MA benefits. A more likely explanation is that Claimant submitted the documents needed for SDA benefits and that DHS erroneously denied Claimant's SDA benefits. It is found that DHS improperly denied Claimant's SDA benefit request due to a failure by Claimant to turn in documentation.

DHS contends that even if an error was made in denying the SDA benefits on 4/15/10. Claimant's 3/17/10 application should not be reinstated because Claimant withdrew his 3/17/10 request for SDA benefits by submitting a statement withdrawing his application on 6/25/10.

A Client/authorized representative may withdraw the application any time before it is disposed on Bridges. BAM 110 at 14. Though Claimant now states his intent was not to withdraw his application, no reasonable interpretation of Claimant's statement could lead one to conclude that Claimant intended anything but a withdrawal of his

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application. It is found that Claimant intended to withdraw his 3/17/10 application on 6/25/10 by requesting withdrawal in writing.

Despite this finding, the undersigned is not inclined to uphold the DHS denial of SDA benefits. Though Claimant attempted to withdraw his application for SDA benefits, DHS had already improperly denied Claimant's SDA benefits. Claimant could not withdraw what DHS had already denied. The undersigned is not inclined to impose an equitable remedy for DHS upholding the denial. It is found that DHS improperly denied Claimant's 3/17/10 application for SDA benefits and Claimant's subsequent withdrawal shall have no effect on reinstatement of Claimant's application.

It should be noted that Claimant would have had immense difficulty establishing his case without the assistance of both DHS representatives. The DHS representatives should be commended for their honesty and integrity to pursuing the truth and facts in this matter, even when those facts were unsupportive to DHS.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that DHS improperly denied Claimant's application dated 3/17/10 for SDA benefits. It is ordered that DHS reinstate Claimant's application for 3/17/10 and to evaluate Claimant for SDA eligibility from the application date in accordance with DHS regulations. The actions taken by DHS are REVERSED.



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

Date Signed: 12/21/2010

Date Mailed: 12/21/2010

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.

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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.

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