

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.: 2010-50247
Issue No.: 4031
Case No.: [REDACTED]
Hearing Date: December 16, 2010
Wayne County DHS (41)

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 16, 2010. The claimant appeared and testified; [REDACTED] also appeared and testified on behalf of Claimant. On behalf of Department of Human Services (DHS), [REDACTED] Specialist, [REDACTED] Manager and [REDACTED], Manager appeared and testified.

ISSUE

Whether DHS properly denied Claimant's application dated 3/31/10 for State Disability Assistance (SDA) based on a non-existent Medical Review Team (MRT) determination that Claimant was not disabled.

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 SDA benefits on 3/31/10.
2. Following Claimant's application date through the date that DHS denied Claimant's application, DHS/MRT did not evaluate Claimant for disability or attempt to interview Claimant.
3. On 4/10/10, DHS denied Claimant's application for SDA benefits on the basis that MRT found Claimant to not be disabled.
4. On 5/7/10, Claimant requested a hearing disputing the DHS denial of SDA benefits.

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).

To receive SDA, a person must be disabled, caring for a disabled person, or age 65 or older. BEM 261 at 1. In the present case, Claimant sought SDA benefits on the basis of being a disabled individual.

DHS has specific procedures for processing applications when a client claims to have a disability though the disability has not been established by Social Security Administration or DHS. DHS specialists are first directed to interview a client that claims a disability. BEM 815 at 2. Among other requirements, DHS specialists are directed to request medical documentation of a client's disability and to submit the forms to the Medical Review Team (MRT) to make a determination as to whether the client is or is not disabled. *Id* at 5.

In the present case, DHS concedes that Claimant was never interviewed concerning his alleged disability. DHS testified that Claimant was denied SDA benefits on the basis that MRT found Claimant not to be disabled; DHS concedes that MRT made no such determination. As DHS failed to attempt to interview Claimant concerning his disability and did not follow any subsequent procedures in determining whether Claimant was a disabled individual, the denial of SDA benefits must be reversed.

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 3/31/10 for SDA benefits. It is ordered that DHS reinstate Claimant's application dated 3/31/10 and that it be processed and evaluated 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

201050247/CG

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.

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.

CG/jlg

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