

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: 2010-5399
Issue No: 4001
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
May 26, 2010
Genesee County DHS

ADMINISTRATIVE LAW JUDGE: Janice Spodarek

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 claimant's request for a hearing. After due notice, a telephone hearing was held on May 26, 2010.

ISSUE

Did the DHS properly fail to process an application for SDA as not having received the same?

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 or about late August early September, claimant requested an application for SDA.

(2) On September 1, 2009, the DHS mailed a Verification Checklist to claimant at his last known address.

(3) Claimant verified at the administrative hearing that the address used is his correct address.

(4) The department indicated the post office returned the mail to the McCree mailroom indicating that the mail was not deliverable as addressed and return to sender. The Administrative Law Judge allowed the department to fax the alleged document to the undersigned ALJ as verification that the department was unable to send verification to claimant.

(5) Claimant indicated at the administrative hearing that he did not know why his mail was returned.

(6) At the administrative hearing, claimant had the necessary verification with him to reapply on that day.

(7) On April 4, 2009 claimant was approved AMP not an issue herein.

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).

Applicable policy and procedure regarding application processing and verification is found in numerous manual items. A review of those items are in BEM and BAM. A review of those items showed the department followed its policy and procedure.

Claimant was surprised that his mail was returned. Claimant verified that the address which was on the mail was in fact correct. The department was unable to issue a proper application and verification request as it was returned by the post office.

This ALJ has reviewed the department's actions in determining that the department correctly processed claimant's request. It is noted that there is no technical negative action in this case. This ALJ has reviewed the department's attempt to assist claimant and finds that they were correct under policy and procedure.

Claimant noted at the administrative hearing that he had all necessary verification with him at the hearing and could apply on that day.

It is also noted that claimant approved after his hearing request for the AMP program effective April 1, 2009.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides the department's attempt to assist claimant in applying for SDA was in conformance with its policy and procedure.

/s/ _____
Janice Spodarek
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: July 19, 2010

Date Mailed: July 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.

2010-5399/JGS

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.

JGS/tg

cc:

