

**STATE OF MICHIGAN  
MICHIGAN ADMINISTRATIVE HEARING SYSTEM  
ADMINISTRATIVE HEARINGS FOR THE  
DEPARTMENT OF HUMAN SERVICES**

**IN THE MATTER OF:**

[REDACTED]

Reg. No.: 2011-35222  
Issue No.: 4003  
Case No.: [REDACTED]  
Hearing Date: August 10, 2011  
DHS County: Washtenaw (81-20)

**ADMINISTRATIVE LAW JUDGE:** Jan Leventer

**HEARING DECISION**

This matter is before the undersigned Administrative Law Judge pursuant to Michigan Compiled Laws (MCL) 400.9 and 400.37, which govern the administrative hearing and appeal process, and Claimant's request for a hearing. After due notice, a hearing was held on August 10, 2011, in Ypsilanti. Claimant appeared and testified. [REDACTED], appeared and testified on behalf of the Department of Human Services (DHS).

**ISSUE**

Whether DHS denied State Disability Assistance (SDA) benefits to Claimant in accordance with DHS policy and procedure?

**FINDINGS OF FACT**

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

1. On October 1, 2008, Claimant applied for SDA benefits with DHS.
2. On an unknown date, DHS denied Claimant's application.
3. On January 13, 2010, Claimant filed a request for hearing with DHS, stating, "Since 2003 I have been trying to get SDA, State Disability (sic) from 22 Center Street."

**CONCLUSIONS OF LAW**

SDA provides financial assistance for disabled persons and is established by 2004 Michigan Public Acts 344. DHS administers SDA pursuant to MCL 400.10 *et seq.* and Michigan Administrative Code Rules 400.3151-400.3180. DHS' policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Reference Tables Manual (RFT). These manuals are available online at [www.michigan.gov/dhs-manuals](http://www.michigan.gov/dhs-manuals).

In this case, I must first address the issue of timeliness, as Claimant is required to file a hearing request within ninety days of DHS' negative action. The ninety-day requirement is found in BAM 600, "Hearings," on page 4.

The record before me shows that Claimant applied on October 1, 2008, but she did not file a hearing request for over fifteen months, on January 13, 2010. I calculate that if DHS denied the 2008 application after October 13, 2009, then Claimant's hearing request was within ninety days after the denial and it would be timely.

There is nothing in the record to establish that DHS denied Claimant's application on or after October 13, 2009. Indeed, the October 13, 2009, date is more than one year after the application date. While the denial date is not in the record in this case, without further proof I decline to conclude that DHS did not act on Claimant's application for more than one year.

In conclusion, based on the above findings of fact and conclusions of law, I find that Claimant's Hearing Request was filed in an untimely fashion and there is no proof of good cause to allow the hearing request to be heard. Accordingly, I AFFIRM DHS' action with regard to Claimant's October 1, 2008 SDA application.

**DECISION AND ORDER**

The Administrative Law Judge, based on the above findings of fact and conclusions of law, decides and determines that DHS acted correctly in denying SDA benefits to Claimant. IT IS ORDERED that DHS is AFFIRMED as to its denial of SDA benefits to Claimant. DHS need take no further action in this case.



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**Jan Leventer**  
Administrative Law Judge  
for Maura Corrigan, Director  
Department of Human Services

Date Signed: August 16, 2011

2011-35222/JL

Date Mailed: August 16, 2011

**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.

JL/pf

cc:

