

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

IN THE MATTER OF:

[REDACTED]

March

Reg
Issue
Case
Hearing

No: 2011-19357
No: 4003
No: [REDACTED]
Date:
10, 2011
Wayne County DHS (57)

ADMINISTRATIVE LAW JUDGE: Lynn M. Ferris

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9; MSA16.409 and MCL 40 0.37; MSA 16.437 and upon the Claimant's request for hearing. After due notice, a telephone hearing was conducted from Detroit, Michigan on March 10, 2011. The Claimant appeared and testified. [REDACTED], also appeared and testified on behalf of the Claimant. [REDACTED] appeared on behalf of the Department.

ISSUE

Whether the Department properly denied the Claimant's application for State Disability Assistance (SDA) for failure to return the Verification Check list by the due date.

FINDINGS OF FACT

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

1. The Claimant applied for SDA on January 20, 2011.

2. The Department processed the application on January 24, 2011, and sent the Claimant a Verification Checklist and Medical Examination Report. Exhibit 1
3. The Verification Checklist was due to be returned on February 3, 2011, and was not received by the Department.
4. The Claimant's witness completed the Verification information and faxed the completed and signed copy to the Department at the fax number provided on the verification Checklist. Exhibit 1
5. At the hearing, the Department agreed to reopen and reprocess the Claimant's SDA application of January 20, 2011, and to send the Claimant another Verification Checklist and Medical Examination Report.
6. As a result of the Department's agreement, the Claimant indicated that he no longer wished to continue the Administrative hearing.

CONCLUSIONS OF LAW

The Medical Assistance ("MA") program is established by Subchapter XIX of Chapter 7 of The Public Health & Welfare Act. 42 USC 1397 and is administered by the Department of Human Services ("DHS"), formerly known as the Family Independence Agency, pursuant to MCL 400.10, *et seq* and MCL 400.105. Departmental policies are found in the Bridges Administrative Manual ("BAM"), the Bridges Eligibility Manual ("BEM"), and the Bridges Reference Manual ("BRM").

Under Bridges Administrative Manual Item 600, clients have the right to contest any agency decision affecting eligibility or benefit levels whenever they believe the decision is illegal. The agency provides an Administrative Hearing to review the decision and determine if it is appropriate. Agency policy includes procedures to meet

the minimal requirements for a fair hearing. Efforts to clarify and resolve the client's concerns start when the agency receives a hearing request and continues through the day of the hearing.

In the present case, the parties reached an agreement and stipulated to a settlement whereby the Department agreed to reopen and reprocess the Claimant's SDA application of January 20, 2011, and to send the Claimant another Verification Checklist and Medical Examination Report.

Since the Claimant and the Department have come to an agreement, it is unnecessary for this Administrative Law Judge to make a decision regarding the facts and issues in this case.

DECISION AND ORDER

Based upon the above Findings of Fact and the Conclusions of Law and the stipulated settlement agreement of the parties,

IT IS HEREBY ORDERED:

1. The Department shall reopen and reprocess the Claimant's SDA application of January 20, 2011 and send the Claimant another Verification Checklist and Medical Examination Report to be completed.

Administrative
For
Department



Lynn M. Ferris
Law Judge
Maura Corrigan, Director
of Human Services

Date Signed: 03/16/11

Date Mailed: 03/21/11

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.

LMF/dj

cc:

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