

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: 2011-4610
Issue No: 4003
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
December 6, 2010
Macomb County DHS (12)

ADMINISTRATIVE LAW JUDGE: Lynn M. Ferris

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 in Detroit on December 6, 2010. The Claimant appeared and testified. Robert DeJarnette, FIS, appeared on behalf of the Department.

ISSUE

Was the Department correct in denying the claimant's application for State Disability Assistance (SDA), the Adult Medical Program (AMP) and Food Assistance?

FINDINGS OF FACT

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

- (1) The claimant applied for Medical Assistance, State Disability Assistance (SDA), and the Adult Medical Program (AMP), Food Assistance and Cash Assistance on September 3, 2010.

- (2) On September 3, 2010 application, the Claimant indicated that he was not disabled.
- (3) The claimant's application for AMP was denied because the program was closed at the time of the application for benefits.
- (4) The claimant's application for medical assistance based on SDA was denied.
- (5) The Food Assistance application was denied due to the fact that the Claimant was an active FAP recipient and was open in another case with his brother.
- (6) The Department also denied the Claimant's application for Cash Assistance as he was not eligible, having no dependent child.
- (7) At the hearing, the Department agreed to reinstate the claimant's application for medical assistance SDA retroactive to the date of application.
- (8) During the hearing, after an explanation was given to the Claimant regarding the basis for the Department's denial of the Claimant's AMP, FAP, and Cash Assistance application, the Claimant indicated that he was satisfied with the explanation and no longer wished to proceed with a hearing regarding these issues.
- (9) The parties reached an agreement whereby the Department agreed to reinstate and reprocess the Claimant's application retroactive to the date of the application to determine the Claimant's SDA eligibility. Based upon this agreement the claimant indicated that he no longer wished to proceed with the hearing.

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 R400.3151-400.3180. Department policies are found in the Bridges Manual (BM) and Bridges Eligibility Manual (BEM) and the Bridges Program Reference Manual (PRM).

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 whereby the Department agreed to retroactively reinstate and reprocess the Claimant's application of September 3, 2010 for SDA and determine his eligibility for SDA. The Department agreed that it would complete a determination on the claimant's eligibility after receipt of any necessary information, if any, that it requires in order to make an eligibility determination. If the Claimant is deemed eligible for SDA, the Department shall issue any supplements as appropriate. 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

The Department and Claimant have come to a settlement regarding claimant's request for a hearing. Therefore, it is ORDERED:

1. The Department shall retroactively re open and reinstate the Claimant's September 3, 2010 SDA application, with regard to the Claimant's request for assistance, and shall process the application for SDA.
2. The Department, in making its eligibility determination, shall be entitled to seek any verification of information medical or otherwise that it is otherwise required to utilize in making its eligibility determination.
3. The Claimant is required to respond to the Department's requests if any for information within the time requested or if more time is required, the Claimant must seek an extension of time prior to the expiration of the due date.
4. If the Department determines that the Claimant is eligible, it shall determine the Claimant's SDA eligibility retroactive to the date of application.



Lynn M. Ferris
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 12/15/10

Date Mailed: 12/20/10

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:

