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

Reg. No.: 201254914

## IN THE MATTER OF:

		Issue No.: Case No.: Hearing Date: County:	October 2, 2012 Macomb County DHS		
	ADMINISTRATIVE LAW JUDGE: Corey A. Arendt				
HEARING DECISION					
	This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 following Claim ant's request for a hearing. After due notice, a telephone hearing was held on Oc tober 2, 2012, from Lansing, Michigan. Participant s on behalf of Claimant included Human Services (Department) included				
	During the hearing, the Claimant indicated she had an issue with a recent Medical Assistance (MA) and State Disability Assi stance (SDA) application denial. The applicable application and su beequent denial took place on June 7, 2012 and July 13, 2012 respectively. Sinc e the hearing request was filed on May 9, 2012, I lack the necessary authority and jurisdiction to address the recent MA and SDA application.				
<u>ISSUE</u>					
	Did the Departm ent properly $\ \square$ deny Claiman t's application $\ \boxtimes$ close Claimant's case for:				
	☐ Family Independence Program (FIP)? ☐ Food Assistance Program (FAP)? ☐ Medical Assistance (MA)?	State Disability A	ssistance (AMP)? Assistance (SDA)? ent and Care (CDC)?		
FINDINGS OF FACT					
	The Administrative Law Judge, based on t he competent, material, and substantial evidence on the whole record, finds as material fact:				
	1. Cla imant ☐ applied for benefits ⊠ received benefits for:				
	☐ Family Independence Program (FIP). ☐ Food Assistance Program (FAP). ☐ Medical Assistance (MA).	State Disability	ssistance (AMP). Assistance (SDA). ent and Care (CDC).		

2.	On June 1, 2012, the Department  denied Claimant's application  closed Claimant's case  due to non-participation with Michigan Rehabilitation Services (MRS)
3.	On May 7, 2012, the Department sent  Claimant Claimant's Authorized Representative (AR)  notice of the denial. Closure.
4.	On May 9, 2012, Claimant filed a hearing request, protesting the ☐ denial of the application. ☒ closure of the case.

### **CONCLUSIONS OF LAW**

Department policies are contained in the Br idges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM), and the Reference Tables Manual (RFT).

The SDA program, which pr ovides financia I 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 2000 AACS, R 400.3151 through Rule 400.3180.

To receive SDA, a per son must be disabled, caring for a disabled person, or age 65 or older.

A person receiving MRS services meets t he SDA disability criteria. A person is receiving services if he has been determined eligible for MRS and has a signed active individual plan for employment (IPE) with MRS.

When the person does not meet one of the criteria under Other Benefits or Services or Special Living Arrangements, obtain medical evidence of the disability and submit it to the Disability Examiner (DE) for a determination. The DE will review the medical evidence and either certify or deny the disability claim based on the medical evidence. The DE will deny the disability claim if the medical evidence is a contributing factor material to the determination of disability. The DE may approve the disability claim if the medical evidence shows that substance abuse is not material to the determination of the disability.

Under policy, MRS is listed under Other Benefits or Services. So in this case, when the Claimant was no longer eligib le under the Other Benefits or Services c ategory the Department should have obtained medical evidence of the disability and submitted it to the DE. There is no evidence that this was done in the is case. Therefore, the Department erred in closine generated the Claimant's SDA benefites on June 1, 2 012. I do understand there was a subsequent application for SDA and Mean A, but the disability questions were not addressed at the time of closing. They were addressed at the time the Claimant reapplied.

#### **DECISION AND ORDER**

I find, based upon the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, the Department did not act properly.

Accordingly, the Department's SDA decision is **REVERSED**.

THE DEPARTMENT IS ORDERED TO DO THE FOLLOWING WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. Initiate a redetermination as to t he Claimant's eligibility for SDA ben efits beginning June 1, 2012 and iss ue retroactive benefits if otherwise eligible and qualified.

/s/

Corey A. Arendt Administrative Law Judge For Maura Corrigan, Director Department of Human Services

Date Signed: October 2, 2012

Date Mailed: October 3, 2012

**NOTICE**: Michigan Administrative Hearing Syst em (MAHS) may order a rehearing or reconsideration on either its own motion or at the request of a par ty within 30 days of the mailing date of this Dec ision and Order. MAHS will not or der a rehearing or reconsideration on the Department's mo tion where the final decis ion cannot be implemented within 90 days of the filing of the original request. (60 days for FAP cases)

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 ti mely request for rehearing was made, within 30 days of the receipt date of the rehearing decision.

Claimant may request a rehearing or reconsideration for the following reasons:

- A rehearing <u>MAY</u> be granted if there is newly discovered evidence that could affect the outcome of the original hearing decision.
- A reconsideration **MAY** be granted for any of the following reasons:
- misapplication of manual policy or law in the hearing decision,
- typographical errors, math ematical error, or other obvious errors in the he aring decision that effect the substantial rights of the claimant:
- the failure of the ALJ to address other relevant issues in the hearing decision.

#### 201254914/CAA

Request must be submitted through the local DHS office or directly to MAHS by mail at Michigan Administrative hearings

Re consideration/Rehearing Request
P. O. Box 30639
Lansing, Michigan 48909-07322

#### CAA/las

