

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

IN THE MATTER OF:



Reg. No.: 201221752
Issue No.: 4001
Case No.: [REDACTED]
Hearing Date: April 30, 2012
County: Wayne (19)

ADMINISTRATIVE LAW JUDGE: Alice C. Elkin

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 following Claimant's request for a hearing. After due notice, a telephone hearing was held on April 30, 2012, from Detroit, Michigan. Participants on behalf of Claimant included Claimant and [REDACTED] and [REDACTED] and Authorized Hearing Representative (AHR). Participants on behalf of the Department of Human Services (Department) included [REDACTED], Family Independence Manager.

ISSUE

Did the Department properly process Claimant's November 22, 2011, application for State Disability Assistance (SDA) benefits?

FINDINGS OF FACT

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

1. On November 22, 2011, Claimant filed for SDA and Food Assistance Program (FAP) benefits.
2. On November 28, 2011, the Department improperly denied Claimant's SDA application while processing his application for FAP benefits.
3. On December 9, 2011, Claimant filed a request for hearing, disputing the Department's action.

CONCLUSIONS OF LAW

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

The Family Independence Program (FIP) was established pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, 42 USC 601, *et seq.* The Department (formerly known as the Family Independence Agency) administers FIP pursuant to MCL 400.10, *et seq.*, and Mich Admin Code, R 400.3101 through R 400.3131. FIP replaced the Aid to Dependent Children (ADC) program effective October 1, 1996.

The Food Assistance Program (FAP) [formerly known as the Food Stamp (FS) program] is established by the Food Stamp Act of 1977, as amended, and is implemented by the federal regulations contained in Title 7 of the Code of Federal Regulations (CFR). The Department (formerly known as the Family Independence Agency) administers FAP pursuant to MCL 400.10, *et seq.*, and Mich Admin Code, R 400.3001 through R 400.3015.

The Medical Assistance (MA) program is established by the Title XIX of the Social Security Act and is implemented by Title 42 of the Code of Federal Regulations (CFR). The Department of Human Services (formerly known as the Family Independence Agency) administers the MA program pursuant to MCL 400.10, *et seq.*, and MCL 400.105.

The Adult Medical Program (AMP) is established by 42 USC 1315, and is administered by the Department pursuant to MCL 400.10, *et seq.*

The State Disability Assistance (SDA) program, which provides financial 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 ACS, R 400.3151 through R 400.3180.

The Child Development and Care (CDC) program is established by Titles IVA, IVE and XX of the Social Security Act, the Child Care and Development Block Grant of 1990, and the Personal Responsibility and Work Opportunity Reconciliation Act of 1996. The program is implemented by Title 45 of the Code of Federal Regulations, Parts 98 and 99. The Department provides services to adults and children pursuant to MCL 400.14(1) and Mich Admin Code, R 400.5001 through R 400.5015.

Additionally, in this case, Claimant applied for SDA and FAP benefits on November 22, 2011. The Department acknowledged that it improperly denied Claimant's SDA application on November 28, 2011, when it processed and approved Claimant's FAP application. The Department testified, consistent with its hearing summary, that it reregistered Claimant's SDA application, effective as of November 22, 2011, and that, at

the time the summary was prepared, a decision on the application was pending based on receipt by December 27, 2011, of the following documents: Medical Examination Report, Activities of Daily Living, and Medical-Social Questionnaire. At the hearing, the Department testified that Claimant's SDA application was subsequently denied because Claimant had failed to provide the requested information.

The Department is required to tell the client what verification is required, how to obtain it, and the due date, using the applicable checklist or notice. BAM 130. In this case, Claimant credibly testified that he was verbally advised that he had to obtain medical documentation and asked his doctor to send the documentation to the Department directly. Claimant credibly testified that he did not receive any forms for completion by the Department. Because he also testified that he did not receive the hearing summary, he would not have been aware based on the Department's hearing summary that he was required to complete any forms in order to continue the processing of his SDA application. In fact, no evidence was presented that the Department ever advised Claimant that it had improperly denied his SDA application on November 28, 2011, and had reregistered the application. Thus, there was no evidence that Claimant was aware that his SDA application was still pending after he received the November 28, 2011 Notice of Case Action denying his SDA application. Thus, the Department did not act in accordance with Department policy with respect to requesting verifications from Claimant.

Furthermore, the evidence at the hearing failed to establish that the Department did in fact deny Claimant's SDA application. Claimant only recalled receiving the November 28, 2011, Notice of Case Action denying his SDA application, which the Department acknowledged was erroneous, and the Department did not present any subsequently issued Notice of Case Action denying Claimant's SDA application or indicate when such notice was sent. SDA applications must be processed within the 60-day standard of promptness, which begins the date the application is received by the Department. BAM 115. The evidence in this case did not establish that the Department acted in accordance with Department policy in timely processing Claimant's November 22, 2011, SDA application.

DECISION AND ORDER

The Administrative Law Judge, based upon the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, finds that the Department

did act properly when

did not act properly when it failed to properly request verifications and timely process Claimant's SDA application.

Accordingly, the Department's decision is AFFIRMED REVERSED for the reasons stated on the record and above.

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

1. Reregister Claimant's November 11, 2011, SDA application;
2. Begin reprocessing Claimant's application by requesting necessary documentation from Claimant in accordance with Department policy;
3. Issue supplements for SDA benefits Claimant was eligible to receive but did not from November 11, 2011, ongoing; and
4. Notify Claimant of its decision in accordance with Department policy.



Alice C. Elkin
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: May 3, 2012

Date Mailed: May 3, 2012

NOTICE: Michigan Administrative Hearing System (MAHS) 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. MAHS 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. (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 timely 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 **MAY** 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, mathematical error, or other obvious errors in the hearing decision that effect the substantial rights of the claimant:
 - the failure of the ALJ to address other relevant issues in the hearing decision.

Request must be submitted through the local DHS office or directly to MAHS by mail at
Michigan Administrative Hearings
Reconsideration/Rehearing Request
P. O. Box 30639
Lansing, Michigan 48909-07322

ACE/cl

cc:

