

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2012-53638
Issue No.: 2000
Case No.: [REDACTED]
Hearing Date: September 12, 2012
County: Wayne (35)

ADMINISTRATIVE LAW JUDGE: Colleen M. Mamelka

SETTLEMENT ORDER

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 conducted from Detroit, Michigan on Wednesday, September 12, 2012. The Claimant appeared and testified. Participating on behalf of the Department of Human Services ("Department") was [REDACTED]

ISSUE

Whether the Department properly:

- denied Claimant's application for benefits
- closed Claimant's case for benefits
- reduced Claimant's benefits

for:

- Family Independence Program ("FIP")?
- Food Assistance Program ("FAP")?
- Medical Assistance ("MA")?
- Adult Medical Assistance ("AMP")?
- State Disability Assistance ("SDA")?
- Child Development and Care ("CDC")?
- State Emergency Services ("SER")?

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 submitted a public assistance application seeking SDA benefits on August 5, 2011.

2. On May 10, 2012, the Department denied the SDA application.
3. On May 15, 2012, the Department received the Claimant's timely written request for hearing.
4. The Department discovered the Claimant's SDA eligibility determination was not completed in accordance with Department policy resulting in the reinstatement of the August 5, 2011 application.
5. The Department forwarded the Claimant's medical packet to the Medical Review Team ("MRT") and is waiting for a determination.

CONCLUSIONS OF LAW

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

The State Disability Assistance program, which provides financial assistance for disabled persons, was established by 2004 PA 344. The Department administers the SDA program pursuant to MCL 400.10 *et seq.* and Mich Admin Code, Rules 400.3151 – 400.3180. Department policies are found in BAM, BEM, and RFT. A person is considered disabled for SDA purposes if the person has a physical or mental impairment which meets federal SSI disability standards for at least ninety days.

The law provides that disposition may be made of a contested case by stipulation or agreed settlement. MCL 24.278(2).

In the present case, the Department acknowledged that the Claimant's August 5, 2011 SDA application was improperly denied on May 10, 2012. Upon receipt of the Claimant's hearing request, the Department reinstated the August 5th application, secured the necessary medical documentation and forms, and forwarded the case to the MRT for a determination. As of the date of hearing, a decision from the MRT has not been received. In light of the amount of time that has passed since forwarding the medical packet to the MRT, the Department agreed to contact the MRT to determine the status of the application. Pursuant to policy, the Department will notify the Claimant of the MRT decision. In light of the foregoing, the Claimant was satisfied that the Department was now properly processing the August 5th application. Although the SDA application was improperly denied, the Department has since remedied its error resulting in no action from which the Claimant is aggrieved.

DECISION AND ORDER

The Administrative Law Judge concludes that the Department and Claimant have come to a settlement regarding Claimant's request for a hearing.

THE DEPARTMENT IS ORDERED TO DO THE FOLLOWING:

1. Follow-up with the MRT regarding the Claimant's August 5, 2011 SDA application.
2. The Department shall notify the Claimant of the MRT determination in accordance with Department policy.

Colleen M. Mamelka

Colleen M. Mamelka
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: October 5, 2012

Date Mailed: October 5, 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.

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