

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

IN THE MATTER OF:



Reg. No.: 2013-39790
Issue Nos.: 2006, 4003
Case No.: [REDACTED]
Hearing Date: July 11, 2013
County: Wayne (82-17)

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 July 11, 2013, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included [REDACTED].

ISSUE

Did the Department properly deny Claimant's October 4, 2012, application for Medical Assistance (MA) and State Disability Assistance (SDA)?

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 October 4, 2012, Claimant applied for MA and SDA.
2. On October 4, 2012, the Department sent Claimant a medical packet requesting that medical documents necessary to establish the disability be completed and submitted by October 14, 2012.
3. Claimant did not timely submit the requested documents.
4. On January 7, 2013, the Department sent Claimant a Notice of Case Action denying her application on the basis that she had failed to return documentation necessary to complete the disability determination.

5. On April 4, 2013, Claimant filed a request for hearing disputing the Department's denial of her MA and SDA application.

CONCLUSIONS OF LAW

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

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 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 Mich Admin Code, R 400.3151 through R 400.3180.

Additionally, Claimant applied for SDA and MA benefits on October 4, 2012, alleging a disability. On January 7, 2013, the Department sent Claimant a Notice of Case Action denying the application because Claimant had failed to submit requested verifications by the due date.

The Department must assist clients who ask for help in completing forms or gathering verifications, particularly where the client is disabled. BAM 105 (September 2012), p. 10; BAM 130 (May 2012), p. 1. In this case, Claimant credibly testified at the hearing that she had difficulty completing the documents requested by the Department and had called her worker several times requesting assistance. She also credibly testified that, although her worker's supervisor advised her that the worker would contact her to assist her, no one from the Department provided the requested assistance. Under these facts, the Department did not act in accordance with Department policy when it failed to assist Claimant in completing and gathering the requested verifications.


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 not act in accordance with Department policy when it denied Claimant's SDA and MA application.

Accordingly, the Department's 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. Reinstate Claimant's October 4, 2012, SDA and MA application;
2. Begin reprocessing the application in accordance with Department policy and consistent with this Hearing Decision;
3. Provide Claimant with any MA coverage she is eligible to receive based on the MA application date and any request for retroactive coverage;
4. Issue supplements to Claimant for any SDA benefits she is eligible to receive but has not from October 4, 2012, ongoing; and
5. Notify Claimant in writing of its decision in accordance with Department policy.


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

Date Signed: July 15, 2013

Date Mailed: July 16, 2013

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 affect 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

2013-39790/ACE

Michigan Administrative Hearings
Reconsideration/Rehearing Request
P. O. Box 30639
Lansing, Michigan 48909-07322

ACE/pf

cc:

