

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

IN THE MATTER OF:

[REDACTED]

Reg. No: 201340231
Issue No: 4031
Case No: [REDACTED]
Hearing Date: July 24, 2013
Ingham County DHS

ADMINISTRATIVE LAW JUDGE: Suzanne D. Sonneborn

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon Claimant's request for a hearing received by the Department of Human Services (department) on February 19, 2013. After due notice, a telephone hearing was held on July 24, 2013. Claimant appeared and provided testimony and was represented by his attorney [REDACTED], P# [REDACTED], of [REDACTED]. The department was represented by [REDACTED], an assistance payments supervisor with the department's Ingham County branch office.

ISSUE

Whether the department properly determined Claimant's eligibility for State Disability Assistance (SDA) benefits?

FINDINGS OF FACT

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

1. On December 10, 2012, Claimant submitted an online application for SDA benefits. In his application, Claimant indicated that he was not disabled or blind. (Department Exhibit 1)
2. On January 16, 2013, the department mailed Claimant a Notice of Case Action (DHS 1605) advising Claimant that his application for SDA benefits had been denied effective February 1, 2013 for the reason that he is not aged, blind, disabled, under 21, pregnant, or a parent/caretaker relative of a dependent child. (Department Exhibit 2)

3. On February 14, 2013, Claimant submitted a hearing request protesting the department's denial of his application for SDA benefits. (Department Exhibit 3)

CONCLUSIONS OF LAW

Clients have the right to contest a department decision affecting eligibility or benefit levels whenever it is believed that the decision is incorrect. The department will provide an administrative hearing to review the decision and determine the appropriateness of that decision. Department of Human Services Bridges Administrative Manual (BAM) 600 (2011), p. 1. The regulations governing the hearing and appeal process for applicants and recipients of public assistance in Michigan are found in sections 400.901 to 400.951 of the Michigan Administrative Code (Mich Admin Code). An opportunity for a hearing shall be granted to an applicant who requests a hearing because his claim for assistance is denied. Mich Admin Code R 400.903(1).

The State Disability Assistance (SDA) program was established by 2004 PA 344 and is a financial assistance program for individuals who are not eligible for the Family Independence Program (FIP) and are either disabled or the caretaker of a disabled person. The Department of Human Services (DHS or department) administers the SDA program pursuant to MCL 400.10, *et seq.*, and MAC R 400.3151-400.3180.

In this case, at the July 24, 2013 hearing, the department's representative, [REDACTED], testified that the case worker who processed Claimant's application for SDA benefits determined that Claimant was not disabled based on his reported information in his application and during a telephone interview. However, [REDACTED] acknowledged that had she herself processed Claimant's application and interviewed Claimant, she would have observed the cognitive difficulties with which he presented at the hearing and she would have scheduled an in-person interview with Claimant in order to provide Claimant with the appropriate medical forms to be completed for submittal to the department's medical review team. [REDACTED] further acknowledged that the department's failure to do so in this case constituted an improper processing of Claimant's SDA application.

Testimony and other evidence must be weighed and considered according to its reasonableness. *Gardiner v Courtright*, 165 Mich 54, 62; 130 NW 322 (1911); *Dep't of Community Health v Risch*, 274 Mich App 365, 372; 733 NW2d 403 (2007). Moreover, the weight and credibility of this evidence is generally for the fact-finder to determine. *Dep't of Community Health*, 274 Mich App at 372; *People v Terry*, 224 Mich App 447, 452; 569 NW2d 641 (1997).

This Administrative Law Judge has carefully considered and weighed the testimony and other evidence in the record and finds that, based on the competent, material, and substantial evidence presented during the July 18, 2013 hearing, the department did not act in accordance with policy in denying Claimant's December 10, 2012 application for SDA benefits.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department did not act in accordance with policy in denying Claimant's December 10, 2012 application for SDA benefits. Accordingly, the department's actions in this regard are **REVERSED** and the department shall immediately reinstate and reprocess Claimant's December 10, 2012 application for SDA benefits and issue supplement checks for any months Claimant did not receive the correct amount of such benefits if he was otherwise entitled to them.

It is SO ORDERED.

/s/_____

Suzanne D. Sonneborn
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: July 31, 2013

Date Mailed: July 31, 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.

The Claimant may appeal this 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 errors, or other obvious errors in the hearing decision that affect the substantial rights of Claimant;
 - The failure of the ALJ to address other relevant issues in the hearing decision.

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A request for a rehearing or reconsideration must be submitted through the local DHS office or directly to MAHS by mail at:

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

SDS/aca

cc:

