

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 14-006873
Issue No.: 4004
Case No.: [REDACTED]
Hearing Date: November 20, 2014
County: Wayne (31)

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

HEARING DECISION

Following Claimant's request for a hearing, this matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and 400.37; 7 CFR 273.15 to 273.18; 42 CFR 431.200 to 431.250; 45 CFR 99.1 to 99.33; and 45 CFR 205.10. After due notice, a telephone hearing was held on November 20, 2014, from Detroit, Michigan. Participants included the above-named Claimant. Participants on behalf of the Department of Human Services (DHS) included [REDACTED], Hearings Facilitator. [REDACTED], Specialist, and [REDACTED], Specialist.

ISSUE

The issue is whether DHS fully processed Claimant's State Disability Assistance (SDA) application.

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 [REDACTED], Claimant applied for SDA benefits.
2. On [REDACTED] DHS denied Claimant's SDA application due to an alleged failure by Claimant to submit verifications.
3. On an unspecified date, Claimant requested a hearing to dispute the denial.
4. On [REDACTED] Claimant reapplied for SDA benefits.

5. On [REDACTED], a Hearing Decision found that DHS improperly denied Claimant's SDA application and ordered DHS to reprocess Claimant's SDA application.
6. On [REDACTED] DHS denied Claimant's SDA application dated [REDACTED], based on a determination that Claimant was not disabled.
7. On [REDACTED], Claimant requested a hearing to dispute a SDA application denial related to a previous administrative hearing decision.

CONCLUSIONS OF LAW

The State Disability Assistance (SDA) program is established by the Social Welfare Act, MCL 400.1-.119b. The Department of Human Services (formerly known as the Family Independence Agency) administers the SDA program pursuant to 42 CFR 435, MCL 400.10 and Mich Admin Code, R 400.3151-.3180. Department policies are contained in the Department of Human Services Bridges Administrative Manual (BAM) and Department of Human Services Bridges Eligibility Manual (BEM) and Department of Human Services Reference Tables Manual (RFT).

Claimant requested a hearing to dispute a denial of SDA benefits. Claimant submitted multiple SDA applications to DHS, all of which were denied by DHS. Thus, it must be first determined which SDA application denial was the subject of Claimant's hearing request.

Originally, the hearing appeared to concern a denial of Claimant's SDA application dated [REDACTED]. As it happened, DHS verified that Claimant received a Notice of Case Action dated [REDACTED] informing Claimant of the application denial. Claimant failed to submit his hearing request within 90 days from the date of DHS written notice. A hearing request submitted more than 90 days after the date of written notice are untimely (see BAM 600).

Claimant's hearing request stated that DHS "has not did" what was ordered in a previous hearing decision. Claimant's hearing request further stated that he has not heard from DHS or the Medical Review Team regarding his application for SDA benefits.

It was not disputed that a Hearing Decision dated [REDACTED] reversed a DHS denial of a previous Claimant SDA application. The Hearing Decision did not specify the date of Claimant's application. During the hearing dated [REDACTED], both parties conceded that the previous hearing concerned an SDA application dated [REDACTED].

Upon certification of eligibility results, Bridges automatically notifies the client in writing of positive and negative actions by generating the appropriate notice of case action.

BAM 220 (1/2014), p. 1. The notice of case action is printed and mailed centrally from the consolidated print center. *Id.* A notice of case action must specify the following:

- The action(s) being taken by the department.
- The reason(s) for the action.
- The specific manual item which cites the legal base for an action or the regulation or law itself.
- An explanation of the right to request a hearing.
- The conditions under which benefits are continued if a hearing is requested

As noted above, DHS verified that Claimant received proper notice of an SDA application denial on [REDACTED]. A Notice of Case Action does not identify an application date but does provide a denial period. The Notice of Case Action dated [REDACTED] listed a denial period beginning 3/2014. A denial period beginning 3/2014 is understood to relate to an application from 2/2014 because 3/2014 is the first month that benefits could be issued for an application from 2/2014. The denial notice dated [REDACTED] is proper denial notice for a SDA application from 2/2014. The denial notice dated [REDACTED] is not appropriate notice for a SDA application from 11/2013.

DHS failed to verify that Claimant received proper notice for his application dated [REDACTED]. By failing to provide Claimant with proper notice of an application denial, the application is considered to be unprocessed. Accordingly, it will be ordered that DHS fully process Claimant's SDA application dated [REDACTED], including providing Claimant with proper notice of denial.

DHS testimony suggested that the disability evaluation relied upon to deny Claimant's application from 2/2014 will be used to justify denial of Claimant's SDA application dated [REDACTED]. DHS testimony also suggested that written notice of denial will be sent shortly after the hearing. If or when DHS provides Claimant with proper written notice of a SDA denial, Claimant is encouraged to request a hearing if eligibility remains in dispute.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that DHS improperly denied Claimant's application for SDA benefits. It is ordered that DHS perform the following actions:

- (1) reinstate Claimant's SDA application dated [REDACTED]; and
- (2) initiate processing of Claimant's application subject to the finding that DHS failed to provide Claimant with proper written notice of the application denial.

The actions taken by DHS are **REVERSED**.



Christian Gardocki
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: **12/4/2014**

Date Mailed: **12/4/2014**

CG / hw

NOTICE OF APPEAL: A party may appeal this Hearing Decision in the circuit court in the county in which he/she resides, or the circuit court in Ingham County, within 30 days of the receipt date.

A party may request a rehearing or reconsideration of this Hearing Decision from the Michigan Administrative Hearing System (MAHS) within 30 days of the mailing date of this Hearing Decision, or MAHS may order a rehearing or reconsideration on its own motion.

MAHS may grant a party's Request for Rehearing or Reconsideration when one of the following exists:

- Newly discovered evidence that existed at the time of the original hearing that could affect the outcome of the original hearing decision;
- Misapplication of manual policy or law in the hearing decision which led to a wrong conclusion;
- Typographical, mathematical or other obvious error in the hearing decision that affects the rights of the client;
- Failure of the ALJ to address in the hearing decision relevant issues raised in the hearing request.

The party requesting a rehearing or reconsideration must specify all reasons for the request. MAHS will not review any response to a request for rehearing/reconsideration. A request must be *received* in MAHS within 30 days of the date this Hearing Decision is mailed.

A written request may be faxed or mailed to MAHS. If submitted by fax, the written request must be faxed to (517) 335-6088 and be labeled as follows:

Attention: MAHS Rehearing/Reconsideration Request

If submitted by mail, the written request must be addressed as follows:

Michigan Administrative Hearings
Reconsideration/Rehearing Request
P.O. Box 30639
Lansing, Michigan 48909-8139

CC:

