

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201410626
Issue No.: 4001
Case No.: [REDACTED]
Hearing Date: January 22, 2014
County: Oakland (03)

ADMINISTRATIVE LAW JUDGE: Alice C. Elkin

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 January 22, 2014, from Detroit, Michigan. Participants on behalf of Claimant included Claimant and [REDACTED], Claimant's mother 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 [REDACTED], 2013 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 [REDACTED], 2013, Claimant applied for SDA benefits.
2. On [REDACTED], 2013, the Department sent Claimant a Notice of Case Action denying his application.
3. On [REDACTED], 2013, Claimant reapplied for SDA benefits.
4. On [REDACTED], 2013, Claimant filed a request for hearing disputing the Department's actions.

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), Department of Human Services Reference Tables Manual (RFT), and Department of Human Services Emergency Relief Manual (ERM).

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 MCL 400.10 and Mich Admin Code, R 400.3151-.3180.

Additionally, Claimant's [REDACTED] 2013 hearing request did not clearly identify the program at issue. At the hearing, Claimant's AHR explained that a hearing was requested concerning Claimant's application for cash assistance. Because Claimant alleged a disability and does not care for minor children, the only cash assistance program he was eligible for was SDA. See BEM 261 (July 2013), p. 1; BEM 210 (July 2013), p. 1. The Department responded to Claimant's request for hearing by presenting evidence that Claimant's [REDACTED], 2013 application for SDA benefits was denied in a [REDACTED], 2013 Notice of Case Action. The AHR was advised that because the [REDACTED], 2013 hearing request was filed more than 90 days after the Department's [REDACTED], 2013 Notice of Case Action, the undersigned had no authority to review the denial of the [REDACTED], 2013 application. See BAM 600 (July 2013), p. 5.

During the course of the hearing, the Department testified that Claimant had reapplied for SDA benefits on [REDACTED], 2013. The Department must approve or deny an application for SDA within 60 days. BAM (January 2014), p. 15. The standard of promptness can be extended 60 days from the date of deferral by MRT.

The Department testified that its system did not show that the Department had denied or approved the application or that it was pending either for receipt of verification or for a disability determination by the Medical Review Team (MRT). The AHR verified that she had not received any notice as of the hearing date concerning the [REDACTED], 2013 application. Because more than 60 days had passed since the [REDACTED], 2013 application and there was no evidence of an extension of the standard of promptness, the Department failed to satisfy its burden of showing that it acted in accordance with Department policy in processing Claimant's [REDACTED], 2013 SDA application.


DECISION AND ORDER

Accordingly, the Department's decision is REVERSED.

THE DEPARTMENT IS ORDERED TO BEGIN DOING THE FOLLOWING, IN ACCORDANCE WITH DEPARTMENT POLICY AND CONSISTENT WITH THIS

HEARING DECISION, WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. Process Claimant's [REDACTED], 2013 SDA application;
2. Issue supplements to Claimant for any SDA benefits he was eligible to receive but did not from the date of application; and
3. Notify Claimant in writing of its decision.


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

Date Signed: February 3, 2014

Date Mailed: February 3, 2014

NOTICE OF APPEAL: 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 or Reconsideration was made, within 30 days of the receipt date of the Decision and Order of Reconsideration or Rehearing Decision.

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).

A Request for Rehearing or Reconsideration may be granted 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 Department, AHR or the claimant 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 the hearing decision is mailed.

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:

2014-10626/ACE

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

ACE/tlf

cc:

