

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 applied for SDA on April 15, 2013, alleging a disability. To establish SDA eligibility based on a disability, the client must obtain medical evidence of the disability to submit to the Department. BEM 261 (July 2013), pp. 1-2, 6; BAM 815, p. 1. Department policy requires the client to complete the Medical Social Questionnaire DHS-49F. BAM 815, p. 3. It is the Department's responsibility to obtain evidence of impairment (such as a DHS-49, DHS-49D or equivalent medical evidence and/or documentation). BEM 260, p. 3.

The Department testified that it sent Claimant a medical packet on July 16, 2013, but Claimant did not come to an interview on August 6, 2013, to complete the medical packet to forward to the Medical Review Team (MRT) for a disability determination. The Department testified that it intended to reregister the April 15, 2013, application and use any documentation received at the interview to process the application. According to the Department, when Claimant did not come to the August 6, 2013, appointment, it denied her SDA application for failure to provide requested verification.

Claimant denied receiving a July 16, 2013, medical packet or a Notice of Case Action denying the April 15, 2013, SDA application. The Department did not provide any copies of the medical packet verification checklist or the notice of case action sent to Claimant to establish its actions in this case. Thus, the Department failed to satisfy its burden of showing that it acted in accordance with Department policy when it processed Claimant's SDA application.

The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds that the Department failed to satisfy its burden of showing that it acted in accordance with Department policy when it processed Claimant's April 15, 2013 SDA application.

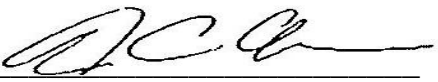
DECISION AND ORDER

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. Reregister Claimant's April 15, 2013, SDA application
2. Reprocess the application;
3. Issue supplements to Claimant for any SDA benefits she was eligible to receive but did not from April 15, 2013, ongoing; and
4. Notify Claimant in writing of its decision.



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

Date Signed: December 17, 2013

Date Mailed: December 17, 2013

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

2014-3323/ACE

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

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

ACE/pf

cc: [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]