

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

IN THE MATTER OF:

██████████
██████████████████
██████████████████

Reg. No.: 15-008234
Issue No.: 4001
Case No.: ██████████
Hearing Date: July 09, 2015
County: Wayne-District 19 (Inkster)

ADMINISTRATIVE LAW JUDGE: Zainab Baydoun

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; and Mich Admin Code, R 792.11002. After due notice, a telephone hearing was held on July 9, 2015, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Health and Human Services (Department) included ██████████, Hearings Facilitator.

ISSUE

Did the Department properly process Claimant's 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 April 15, 2015, Claimant submitted an application for cash assistance benefits and indicated she was disabled.
2. On May 1, 2015, the Department sent Claimant a Notice of Case Action concerning her Food Assistance Program (FAP) benefits. In the comments from your specialist about this notice section, the Department indicated that Claimant was not eligible for cash assistance because an individual in the group has exceeded the federal time limit maximum. (Exhibit A)
3. On May 19, 2015, Claimant requested a hearing disputing the Department's actions with respect to her SDA application.

CONCLUSIONS OF LAW

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

The Family Independence Program (FIP) was established pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Pub. L. No. 104-193, and 42 USC 601 to 679c. The Department (formerly known as the Department of Human Services) administers FIP pursuant to 45 CFR 233-260, MCL 400.10, the Social Welfare Act, MCL 400.1-.119b, and Mich Admin Code, R 400.3101-.3131.

The State Disability Assistance (SDA) program is established by the Social Welfare Act, MCL 400.1-.119b. The Department of Health and Human Services (formerly known as the Department of Human Services) administers the SDA program pursuant to 42 CFR 435, MCL 400.10 and Mich Admin Code, R 400.3151-.3180.

As a preliminary matter, although Claimant's checked the State Emergency Relief (SER) box on her hearing request, Claimant confirmed that she was not disputing an action taken with respect to her SER benefits and that the issue was regarding her SDA application. Claimant stated that she checked the SER box in error. Thus, the hearing continued with respect to Claimant's SDA benefits.

To be eligible for FIP benefits both of the following must be true: the group must include a dependent child who lives with a legal parent, stepparent or other qualifying caretaker.; and the group cannot include an adult who has accumulated more than 60 TANF funded months, beginning October 1, 1996, or any other time limits in the FIP; see BEM 234. BEM 210 (October 2014), p. 1. SDA is a cash program for individuals who are not eligible for FIP. BEM 214 (April 2014), p. 1. To receive SDA benefits, a person must be disabled, caring for a disabled person, or age 65 or older. BEM 261 (July 2014), p.1. There is no time limit on receipt of SDA benefits.

In this case, the Department testified that on September 13, 2011, Claimant was informed that she and her child were no longer eligible for FIP benefits because Claimant had reached the lifetime federal time limit on receipt of FIP benefits. The Department testified that Claimant submitted an application for cash assistance benefits on April 15, 2015, and that a Notice of Case Action was sent to her on May 1, 2015, informing her that she was ineligible for cash assistance because an individual in the group has exceeded the federal time limit maximum. (Exhibit A).

At the hearing, Claimant testified that on April 15, 2015, she submitted an SDA cash assistance application not a FIP cash assistance application. Claimant stated that she

did not receive any notices from the Department informing her of the status of her SDA application, other than the May 1, 2015, Notice advising that she was ineligible for cash based on exceeding the time limit for receipt of cash assistance. The Department confirmed that on her application, Claimant alleged a disability and acknowledged that the cash assistance application submitted by Claimant was processed as a FIP application, rather than a SDA application. The Department stated that Claimant's SDA application was not forwarded to the MRT for a disability determination and there was no notice issued to Claimant with respect to her eligibility for SDA benefits.

Although there was some discussion at the hearing concerning Claimant's eligibility for SDA, given that she is an ineligible grantee as the legal guardian on her niece and nephew's FIP case, this issue will not be addressed, as the Department ultimately failed to establish that it properly registered and processed Claimant's SDA application. Claimant clearly established that she was requesting cash assistance based on her alleged disability; therefore, the Department should not have processed her request as a FIP 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 did not act in accordance with Department policy when it processed Claimant's 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. Register and process Claimant's April 15, 2015, application for SDA benefits, to determine her eligibility for SDA benefits from the application date, ongoing;
2. Issue supplements to Claimant for any SDA benefits that she was entitled to receive but did not from the April 15, 2015, application date, ongoing, in accordance with Department policy; and
3. Notify Claimant of its decision in writing.



Zainab Baydoun
Administrative Law Judge
for Nick Lyon, Director
Department of Health and Human Services

Date Signed: **7/24/2015**

Date Mailed: **7/24/2015**

ZB / tlf

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 copy of the claim or application for appeal must be filed with the Michigan Administrative Hearing System (MAHS).

A party may request a rehearing or reconsideration of this Hearing Decision from 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:

[REDACTED]
[REDACTED]
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