

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

IN THE MATTER OF:

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████████████████████

Reg. No.: 15-013967
Issue No.: 4001
Case No.: ██████████
Hearing Date: September 28, 2015
County: Oakland-District 2

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 September 28, 2015, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Health and Human Services (Department) included ██████████, Assistance Payment Supervisor and ██████████, Assistance Payment Worker.

ISSUE

Did the Department properly process and deny 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 or around May 5, 2014, Claimant submitted an application for SDA benefits.
2. On or around July 14, 2014, the Department sent Claimant a Notice of Case Action informing her that the SDA application was denied, as the Medical Review Team (MRT) determined that she did not meet the criteria for disability.
3. On an unverified date, Claimant requested a hearing disputing the denial of her SDA application.
4. In October 2014, a hearing was held, after which the Administrative Law Judge (ALJ) determined that the Department failed to properly process the SDA

application. The Department was ordered to reprocess Claimant's SDA application.

5. On June 10, 2015, the MRT determined that Claimant was not disabled. (Exhibit A, pp. 13, 17-19)
6. On June 15, 2015, the Department sent Claimant a Notice of Case Action informing her that for the period August 1, 2014, ongoing, she was denied cash assistance on the basis that she was not aged, blind, disabled, under age 21, pregnant, or a parent/caretaker relative of a dependent child. The Notice also indicated that a disability/blindness determination had been made by DHS. (Exhibit A, pp. 14-16)
7. On July 20, 2015, Claimant requested a hearing disputing the Department's actions.

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 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.

To receive SDA benefits, a person must be disabled, caring for a disabled person, or age 65 or older. BEM 261 (July 2013), p.1. A person is disabled for SDA purposes if he: receives other specified disability-related benefits or services, see Other Benefits or Services below; resides in a qualified Special Living Arrangement facility; is certified as unable to work due to mental or physical disability for at least 90 days from the onset of the disability; or is diagnosed as having Acquired Immunodeficiency Syndrome (AIDS). BEM 261, pp. 1-2. The Department and the MRT will determine if a person is disabled for SDA purposes by applying the policy and criteria found in BAM 815. BAM 815 (July 2013).

Additionally, when the Department receives an application for assistance, it is to be registered and processed in accordance with Department policies. The standard of promptness (SOP) begins the date the department receives an application/filing form, with minimum required information. BAM 115 (July 2013), p. 15. The Department is to certify program approval or denial of the SDA application within 60 days and upon certification of eligibility results, the Department is to notify clients in writing of positive

and negative actions by generating the appropriate notice of case action. After processing an initial application, the Department will notify clients of the approval or denial. BAM 115, pp. 15-16, 23; BAM 220 (July 2013), p. 1.

In this case, the Department testified that pursuant to the Hearing Decision issued by the prior ALJ, it reprocessed Claimant's May 5, 2014, SDA application and forwarded Claimant's medical documentation to the MRT for a disability determination. The Department stated that on June 10, 2015, MRT determined that Claimant does not meet the criteria for disability. On June 15, 2015, the Department sent Claimant a Notice of Case Action informing her that she was denied SDA benefits for the period of August 1, 2014, ongoing, which Claimant disputed. (Exhibit A, pp. 13-19).

The Department testified that after receiving Claimant's hearing request on July 20, 2015, it reviewed Claimant's case and determined that the denial notice sent to Claimant on June 15, 2015, was improper, as the MRT had evaluated Claimant's disability using the criteria applicable to MA disability rather than SDA disability. The Department stated that prior to the hearing date, it had requested additional medical documentation from Claimant to be resubmitted to MRT for an appropriate SDA disability eligibility determination, as the MRT did not have all of Claimant's medical documentation. (Exhibit A, pp. 8-12). The Department further testified that it had reregistered and was reprocessing Claimant's May 5, 2014, SDA application, but as of the hearing date, the application was still pending. (Exhibit B).

Contrary to the Department's testimony however, a review of the case comments summary and the June 10, 2015, MRT decision establishes that Claimant's eligibility for SDA was determined, and the July 2014 MRT decision is the one which referenced Claimant's eligibility for MA disability. (Exhibit A, pp. 13, 17-19, 23-24). Notwithstanding the Department's inconsistencies with respect to the MRT determination, the Notice of Case Action sent to Claimant on June 15, 2015, does not address her SDA eligibility from the application month, ongoing, but rather indicates that Claimant was denied from August 1, 2014, ongoing. The Department was unable to explain why Claimant's SDA eligibility was not determined from the May 5, 2014, application date ongoing. As such, the Department has failed to establish that it properly processed Claimant's SDA application in accordance with Department policy. BAM 110 (January 2014); BAM 115, pp. 15-16, 23; BAM 220 (July 2013), p. 1.

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 and denied Claimant's May 5, 2014, SDA application. Claimant is informed that should the MRT determine that Claimant does not meet the disability criteria for SDA benefits for the appropriate period of May 2014, ongoing, she is entitled to request a hearing to dispute that determination.

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 May 5, 2014, SDA application to determine Claimant's eligibility for SDA benefits as of the application date;
2. Forward Claimant's application and medical evidence to the MRT for a SDA disability determination;
3. Issue supplements to Claimant for any SDA benefits that she was entitled to receive but did not from the May 5, 2014, application date, ongoing; and
4. Notify Claimant of its decision in writing.



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

Date Signed: **10/16/2015**

Date Mailed: **10/16/2015**

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]
[REDACTED]
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