



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
Christopher Seppanen
Executive Director

MIKE ZIMMER
DIRECTOR

[REDACTED]
[REDACTED]
[REDACTED]

Date Mailed: March 4, 2016
MAHS Docket No.: 15-024099
Agency No.: [REDACTED]
[REDACTED]

ADMINISTRATIVE LAW JUDGE: Alice C. Elkin

HEARING DECISION

Following Petitioner'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 February 29, 2016, from Detroit, Michigan. Petitioner appeared and represented himself. [REDACTED], a provider at the facility at which Petitioner resides, appeared as a witness on Petitioner's behalf. The Department of Health and Human Services (Department) was represented by [REDACTED], Hearing Facilitator.

ISSUE

Did the Department properly process Petitioner's July 21, 2015 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 July 21, 2015, Petitioner applied for SDA benefits.
2. On December 21, 2015, the Department received Petitioner's written request for hearing alleging that the Department had failed to process his 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 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.

An SDA application must be processed within 60 days of the date it is submitted. BAM 115 (July 2015), pp. 15-16. The Medical Review Team (MRT) can extend the standard of promptness 60 days from the date of deferral. BAM 115, p. 16. Once an eligibility certification is made, the Department must notify the client in writing of any positive or negative actions by generating a notice of case action that advises the client of the action taken by the Department, the reason 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, and the conditions under which benefits are continued if a hearing is requested. BAM 220 (July 2015), p. 2.

In this case, the Department acknowledged that Petitioner submitted an application for SDA benefits on July 21, 2015 and contended that the application continued to be reviewed by MRT, and no decision had been made by MRT, as of the December 21, 2015 request for hearing date (Exhibit B). As of the February 29, 2016 hearing date, 223 days had lapsed without a written notice of case action concerning the Department's response to Petitioner's SDA application.

At the hearing, Petitioner testified that he had been advised by his worker that MRT had found him disabled and that he had been approved for SDA benefits. The Department testified that MRT had, to the contrary, found Petitioner not disabled for SDA purposes. The Department acknowledged that no notice of case action had been generated and sent to Petitioner concerning the outcome of his SDA case. By failing to timely process Petitioner's application and send him written notice of the outcome, the Department did not act in accordance with Department policy in processing Petitioner'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. Complete processing Petitioner's July 21, 2015 SDA application;
2. Issue supplements to Petitioner for SDA benefits he is eligible to receive, if any, from the date of application ongoing; and
3. Notify Petitioner in writing of its decision.



ACE/tlf

Alice C. Elkin
Administrative Law Judge
for Nick Lyon, Director
Department of Health and Human Services

NOTICE OF APPEAL: A party may appeal this Order in circuit court within 30 days of the receipt date. A copy of the circuit court appeal must be filed with the Michigan Administrative Hearing System (MAHS).

A party may request a rehearing or reconsideration of this Order if the request is received by MAHS within 30 days of the date the Order was issued. The party requesting a rehearing or reconsideration must provide the specific reasons for the request. MAHS will not review any response to a request for rehearing/reconsideration.

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

DHHS

[REDACTED]
[REDACTED]
[REDACTED]

Petitioner

[REDACTED]
[REDACTED]
[REDACTED]

cc: [REDACTED]
[REDACTED]
[REDACTED]