

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

IN THE MATTER OF:

[REDACTED]

MAHS Reg. No.: 15-018289
Issue No.: 4001
Agency Case No.: [REDACTED]
Hearing Date: December 09, 2015
County: Wayne (19) Inkster

ADMINISTRATIVE LAW JUDGE: Lynn M. Ferris

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 December 9, 2015, from Detroit, Michigan. The Petitioner was represented by the Petitioner. A witness, [REDACTED], also appeared on behalf of the Petitioner. The Department of Health and Human Services (Department) was represented by [REDACTED] Hearing Facilitator.

ISSUE

Did the Department properly deny the Petitioner's application for State Disability Assistance (SDA)?

FINDINGS OF FACT

The Administrative Law Judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:

1. The Petitioner applied for Cash Assistance (SDA) on August 17, 2015. Exhibit 1.
2. The application notes that Petitioner applied for Disability benefits and listed a claim number.
3. In answer to the Question on page Q regarding ongoing medical expenses, the Petitioner answered that she had ongoing transportation for medical care, prescribed over-the-counter drugs, prescriptions drugs and a service animal.
4. The Department issued a Notice of Case Action on August 20, 2015, denying the Petitioner as of September 16, 2015, ongoing, noting according to application, there is no indication of disability (page K) or dependent children under 18 years of age.

5. Page K contains question number 9, which was left blank as regards being physically or mentally unable to work full time. Exhibit 1.
6. The Petitioner filed with the application a letter from her doctor, which advised the Department that she was unable to work during chemotherapy treatments for Hodgkin's Lymphoma and would be ill and unable to work from [REDACTED], through [REDACTED], approximately. Exhibit 3.
7. The Petitioner requested a timely hearing on September 28, 2015.

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.

In this case, the Petitioner, at the time of her application for SDA, was being treated for Hodgins Lymphoma with chemotherapy. Attached to the application was a signed letter from her doctor indicating that Petitioner was unable to work for a period of approximately six months due to chemotherapy, which causes her to have severe fatigue and also due to risk of infection. The application on page K notes that Petitioner has medical insurance and did not answer "yes" or "none" to question 9 asking Petitioner to list anyone applying for assistance who is physically or mentally unable to work full time. This question required completion if the application sought FAP benefits. In addition, the application noted that Petitioner had ongoing medical expense and that she had applied for Social Security Disability benefits. Exhibit 1. The Petitioner credibly testified that she was never contacted by anyone from the Department before her application was denied on August 20, 2015.

In this case, the Department clearly should have inquired further of the Petitioner prior to the application being denied to clarify whether the Petitioner was seeking SDA assistance due to being unable to work. The Petitioner reasonably thought that the letter from her doctor advised the Department that she was disabled. Department policy also provides for interviews to be conducted by the Department with applications:

The purpose of the interview is to explain program requirements to the applicant and to gather information for determining the group's eligibility.

The interview is an official and confidential discussion. Its scope must be limited to both of the following:

- Collecting information and examining the circumstances directly related to determining the group's eligibility and benefits.
- Offering information on programs and services available through MDHHS or other agencies.

The person interviewed may be any responsible group member **or** Authorized Representative (AR). For CDC, the AR **cannot** be the child care provider, a department employee, or a recruiter. The client may have any other person present.

Do the following during the interview:

- State the client's rights and responsibilities; see BAM 105.
- Review and update the application.
- Help complete application items **not** completed when it was filed.
- **Resolve any unclear or inconsistent information.** BAM 115 (January 1, 2016) p. 16-17. (Emphasis supplied).

In addition, the Petitioner also applied for FAP benefits; and an interview should have been conducted and verifications sought. No documentation of what, if any, verification was requested by the Department; and the Petitioner testified that she had no interview nor did anyone contact her about the August 17, 2015, application. Even if the Department believed this to be an FIP application, an interview should have been conducted as required by Department policy.

FAP and CDC

An interview is required before denying assistance even if it is clear from the application or other sources that the group is ineligible.

FIP Only

In addition to the above requirements, the following must be reviewed with **all** adult mandatory group members during the FIP interview.

The only instance an application may be denied without an interview is if it is clear from the application that the group is ineligible. BEM 115, p.18. In this case the information, particularly the Petitioner's doctor's letter attached to the application regarding her inability to work and the fact that she had applied for Social Security Disability required the Department to inquire further of the Petitioner regarding whether she was seeking

FIP or SDA and conducting an interview to resolve the discrepancy as to whether she was applying for FIP or SDA.

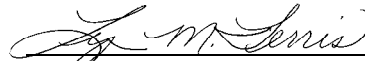
The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds that the Department did not properly process the Petitioner's August 17, 2015, and failed to clarify the discrepancies with the application as to whether the Petitioner was applying for FIP or SDA.

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. The Department shall re-register and re-process the Petitioner's August 17, 2015, SDA application and determine the Petitioner's eligibility for SDA.
2. The Department shall issue an SDA supplement if the Petitioner is found otherwise eligible in accordance with Department policy.



Lynn M. Ferris

Administrative Law Judge

for Nick Lyon, Director

Department of Health and Human Services

Date Mailed: **1/6/2016**

LMF/jaf

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:

