

**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.: 15-006223
Issue No.: 4003
Case No.: ██████████
Hearing Date: June 3, 2015
County: WAYNE-DISTRICT 19
(INKSTER)

ADMINISTRATIVE LAW JUDGE: Eric Feldman

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 June 3, 2015, from Detroit, Michigan. Participants on behalf of Claimant included Claimant, ██████████. Participants on behalf of the Department of Health and Human Services (Department or DHHS) included ██████████ Hearings Facilitator.

ISSUE

Did the Department properly close Claimant's State Disability Assistance (SDA) program benefits effective May 1, 2015, ongoing?

FINDINGS OF FACT

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

1. Claimant was an ongoing recipient of SDA benefits. See Exhibit A, pp. 13-16.
2. On February 10, 2015, the Department sent Claimant a redetermination (review eligibility for Cash), which was due back by March 2, 2015 and informed Claimant of an in-person interview on March 2, 2015. See Exhibit A, pp. 4-9.
3. By the end of February 2015, Claimant alleged that he submitted the redetermination at the local DHHS office and signed the log book.
4. Claimant failed to submit the redetermination by the end of the benefit period (March 31, 2015).

5. On April 1, 2015, the Department sent Claimant a Notice of Case Action notifying him that his SDA benefits would close effective May 1, 2015, ongoing. See Exhibit A, pp. 11-12
6. On April 22, 2015, Claimant filed a hearing request, protesting his SDA closure. See Exhibit A, pp. 2-3.

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.

Clients must cooperate with the local office in determining initial and ongoing eligibility. BAM 105 (April 2015), p. 8. This includes completion of necessary forms. BAM 105, p. 8.

A complete redetermination is required at least every 12 months. BAM 210 (April 2015), p. 1.

All individuals with a SDA Eligibility Determination Group (EDG) participation status of eligible or disqualified adult who are physically able must be interviewed and must sign and date the DHS-1010 (redetermination) or DHS-1171 (assistance application) in the Department's presence. BAM 210, p. 4.

Interviews are usually conducted at the local office but may be held in a group's home if:

- The head of household's physical condition precludes an office interview.
- A home call would result in better information.

BAM 210, p. 5.

A redetermination/review packet is considered complete when all of the sections of the redetermination form including the signature section are completed. BAM 210, p. 10. When a complete packet is received, the Department records the receipt in its system (Bridges) as soon as administratively possible. BAM 210, p. 10. If the redetermination packet is not logged in by the negative action cut-off date of the redetermination month,

the Department generates a DHS-1605, Notice of Case Action, and automatically closes the EDG. BAM 210, p. 10.

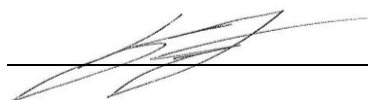
In this case, Claimant did not dispute that he received redetermination. Moreover, Claimant alleged that he submitted the redetermination at the local DHHS office by the end of February 2015 and signed the log book. As such, the Department obtained the logbook for February 2015 during the hearing and both parties reviewed it to determine if Claimant did indeed submit the redetermination. Unfortunately, neither Claimant nor the Department discovered any signature by the Claimant indicating that he submitted the redetermination. It should be noted that Claimant recalled speaking to the Department on or around March 2, 2015, the date of his redetermination interview. However, Claimant could not recall if it was actually his redetermination interview or if the phone conversation was related to another matter.

Based on the foregoing information and evidence, the Department properly closed Claimant's SDA benefits effective May 1, 2015, in accordance with Department policy. Claimant alleged that he submitted the redetermination at the local DHHS office and that he signed the logbook. However, during the hearing, both parties reviewed the logbook and discovered no submission by the Claimant. As such, the evidence presented that Claimant failed to submit the redetermination by the end of the benefit period (March 31, 2015). Claimant must complete the necessary forms to determine his ongoing eligibility. BAM 105, p. 8. Because Claimant failed to submit a completed redetermination by the end of the benefit period (March 31, 2015), the Department acted in accordance with Department policy when it closed Claimant's SDA benefits effective May 1, 2015. BAM 130, p. 8 and See BAM 210, pp. 1-10.

DECISION AND ORDER

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 acted in accordance with Department policy when it properly closed Claimant's SDA case effective May 1, 2015.

Accordingly, the Department's SDA decision is AFFIRMED.



Eric Feldman
Administrative Law Judge
for Nick Lyon, Director
Department of Health and Human Services

Date Signed: **6/4/2015**
Date Mailed: **6/4/2015**
EJF/tm

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]
[REDACTED]
[REDACTED]
[REDACTED]