RICK SNYDER
GOVERNOR

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

MIKE ZIMMER
DIRECTOR

[redacted]

Date Mailed: April 11, 2016
MAHS Docket No.: 16-001247
Agency No.: [redacted]
Petitioner: [redacted]

ADMINISTRATIVE LAW JUDGE: Susanne E. Harris

HEARING DECISION

PROCEDURAL HISTORY

Following the 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, an in-person hearing was held on March 23, 2016, from Alpena, Michigan. The Petitioner, [redacted] was present with his mother, Kimberly Hoerl and his Authorized Hearing Representative (AHR) [redacted] The Department of Health and Human Services (Department) was represented by Family Independence Manager (FIM), [redacted] and Family Independence Specialist (FIS) [redacted]

The following exhibits were offered and admitted into evidence:

Department: A--August 5, 2015, Assistance Application.
B--August 13, 2015, Verification Checklist.
C--August 13, 2015, Medical Determination Verification Checklist.
D--August 13, 2015, Authorization to Relief Protected Health Information.
E-- August 13, 2015, Reimbursement Authorization.
F-- August 13, 2015, Medical-Social Questionnaire.
G-- August 13, 2015, Activities of Daily Living.
H-- August 31, 2015, Verification of Application for SSI.
I-- September 1, 2015, email to MRT.
J-- September 11, 2015, Work History Questionnaire.
K-- Medical Packet.
L—January 4, 2016, MRT denial.

Petitioners: 1--Michigan Rehabilitation Services (MRS) Individualized Plan for Employment.

2-- January 13, 2016, Notice of Case Action.

ISSUE

Did the Department properly take action to 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. On August 5, 2015, the Petitioner applied for SDA and reported that he and his mother were disabled. The Petitioner completed the application himself.

2. Though the Petitioner has been active, on and off, with Michigan Rehabilitation Services (MRS) since 2012 and was active with MRS at the time of the application, the application did not indicate as much to the Department. The Petitioner has an active Individualized Plan for Employment (IPE) beginning September 29, 2015.

3. The Assistance Application in evidence does not establish how it is that the question regarding MRS participation is posed or even if MRS is mentioned in the question. The Administrative Law Judge cannot even locate where the answer would be on the application.

4. On September 1, 2015, the Petitioner's medical records were submitted to the Medical Review Team (MRT). Contained in the Petitioner's medical records is evidence of his MRS participation.

5. Uncontested testimony during the hearing was that CMH also knew the Petitioner was participating with MRS, that MRS contracts with DHHS and that the Petitioner has had the same worker for a long time.

6. On January 26, 2016, the Department sent the Petitioner a Notice of Case Action informing the Petitioner that his application for SDA had been denied as the MRT determined that he was not disabled.

7. On January 26, 2016, the Department received the Petitioners AHR's written hearing request protesting the denial of the Petitioner's application for SDA.

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. Additionally, Bridges Eligibility Manual (BEM) 261 (2015) p. 2, provides that a client can meet the SDA disability criteria if that client is receiving services because he has been determined eligible for MRS and has a signed active individual plan for employment (IPE) with MRS.

In this case, the Petitioner's AHR indicates that the Petitioner's application should have been approved based on his participation status with MRS. The Department did not contest that testimony.

Furthermore, Bridges Administrative Manual (BAM) 105 (2015) p. 14, provides that the local office must assist clients who ask for help in completing forms or gathering verifications. Particular sensitivity must be shown to clients who are illiterate, disabled or not fluent in English. In this case, the Petitioner did not ask for assistance. Also, this Administrative Law Judge recognizes, especially with the online application issue in this case, that the Petitioner's worker would not necessarily be aware of the Petitioner's participation with MRS. Yet, the record clearly establishes that the Assistance Application was completed by a mentally disabled [redacted]-year-old young man and that his mother has also been found to be recently mentally disabled.

The record establishes that MRS contracts with DHHS and that there were references to the Petitioner's participation with MRS contained in the medical documentation provided to MRT, which is part of DHHS. As such, the Department had constructive knowledge of the Petitioner's participation with MRS. Also, it appears that the online application system is either not user-friendly to the client or to the Department worker in communicating this particular piece of information. As such, the Petitioner did not receive any assistance completing the application and no further information was requested from the Petitioner regarding his participation with MRS.

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 took action to deny the Petitioner's application for 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. Redetermine the Petitioner's eligibility for SDA back to August, 2015 based on his participation with MRS, and

2. issue the Petitioner any supplement he may thereafter be due.

Susanne E. Harris

SH/nr

Susanne E. Harris
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]

Authorized Hearing Rep. [redacted]

Petitioner [redacted]