



RICK SNYDER
GOVERNOR

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

SHELLY EDGERTON
DIRECTOR

[REDACTED]
[REDACTED]
[REDACTED]

Date Mailed: May 6, 2016
MAHS Docket No.: 16-003767
Agency No.: [REDACTED]
Petitioner: [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 April 28, 2016, from Detroit, Michigan. Petitioner was represented by [REDACTED], his sister and authorized hearing representative (AHR). Petitioner was present and testified. The Department of Health and Human Services (Department) was represented by [REDACTED], Medical Contact Worker.

ISSUE

Did the Department properly process Petitioner's August 24, 2015 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 24, 2015, Petitioner applied for SDA benefits and disability-based Medicaid (MA-P).
2. On January 12, 2016, the Disability Determination Services (DDS)/Medical Review Team (MRT) concluded that petitioner was not disabled with respect to the August 24, 2015 application for MA-P (Exhibit A, PP. 6-12).
3. On an unknown date, the Department sent Petitioner a Health Care Coverage Determination Notice denying his application for disability-based MA.

4. On February 26, 2016, the Department received Petitioner's request for hearing disputing the Department's failure to notify him of its SDA decision and denying his application (Exhibit A, PP. 3-5).

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 and certified within 60 days of the date it is submitted. BAM 115 (July 2015), pp. 15-16. DDS/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 and disability-based Medicaid (MA-P) benefits on August 24, 2015. The Department explained that DDS/MRT had reviewed Petitioner's medical evidence for determination of whether he was eligible for MA-P but not SDA and concluded that Petitioner was not disabled for purposes of the MA-P program (Exhibit A, pp. 5-8). The Department testified that, based on DDS/MRT's decision that Petitioner was not disabled, it sent him a Health Care Coverage Determination Notice notifying him that his application for MA-P benefits was denied.

After the Michigan Administrative Hearing System received Petitioner's hearing request, it advised the Department that DDS/MRT's decision did not address Petitioner's eligibility for SDA. The Department testified that it forwarded the medical packet back to MRT for consideration of Petitioner's eligibility for SDA and was seeking an updated DHS-49 from Petitioner to forward to DDS/MRT. The Department testified that, as of the hearing date, no response had been received from DDS/MRT. The AHR acknowledged that Petitioner had not received any notice of case action from the Department notifying him of the status of his SDA application.

As of the April 28, 2016 hearing date, 249 days have lapsed since Petitioner submitted his August 24, 2015 SDA application without a written notice of case action concerning the Department's certification of the application, well in excess of the standard of promptness for processing an SDA application.

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 act in accordance with Department policy in processing Petitioner's August 24, 2015 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. Reregister and process Petitioner's August 24, 2015 SDA application;
2. Issue supplements to Petitioner for any SDA benefits he was eligible to receive but did not from the date of application; and
3. Notify Petitioner in writing of its decision.

ACE/tif



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

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