



RICK SNYDER
GOVERNOR

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

SHELLY EDGERTON
DIRECTOR

[REDACTED]

Date Mailed: November 29, 2016
MAHS Docket No.: 16-013319
Agency No.: [REDACTED]
Petitioner: [REDACTED]

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 [REDACTED], from Detroit, Michigan. The Petitioner was represented by herself. The Department of Health and Human Services (Department) was represented by [REDACTED], Hearing Facilitator.

ISSUE

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

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 SDA on [REDACTED].
2. The Petitioner did not receive a Notice of Case Action that her SDA application was denied because the Department sent it to the wrong address.
3. The Petitioner's SDA application was denied on [REDACTED].

4. The Department conceded that the SDA application was denied in error. See Hearing Summary.
5. The Petitioner requested a timely hearing on [REDACTED], protesting the Department's action.

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 Department conceded at the hearing that the Petitioner's SDA application was denied in error. In addition, the Petitioner was never sent the Notice denying the SDA application because it was sent to the wrong address. The Department, through its Hearing Facilitator, testified that the SDA application was re-registered. The Department presented an Eligibility Summary, which only noted the Petitioner's SDA was pending as of [REDACTED]. Exhibit A, p. 6. The Department presented no proof that the case was re-registered, or that it was sent to the Medical Review Team for review. Given the numerous processing errors, the evidence presented did not demonstrate that even as of the hearing the Department had properly processed the SDA application, and did not document its re-registration.

The standard of promptness (SOP) begins the date the department receives an application/filing form, with minimum required information.

For SDA applications, the Department is required to certify program approval or denial of the application within 60 days. BAM 115, (October 1, 2015), pp. 15, 16.

Based upon the evidence presented at the hearing, the Department has not demonstrated that it properly processed the Petitioner's SDA case, or that re-registration of the application has occurred, and thus, has not met its burden of proof.

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 failed to satisfy its burden of showing that it acted in accordance with Department policy when it

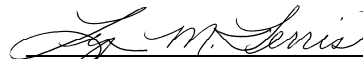
did not demonstrate that the wrongfully denied application for SDA was re-registered and is pending with the Medical Review Team.

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 the Petitioner's [REDACTED], SDA application and process the application within the standard of promptness if it has not already done so.
2. The Department shall provide the Petitioner written notice of the re-registration date of the SDA application and the case status.

LMF/jaf



Lynn M. Ferris

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

Petitioner

[REDACTED]

Via email
DHHS

[REDACTED]

[REDACTED]