



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 30, 2016
MAHS Docket No.: 16-015327
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Michael J. Bennane

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 [REDACTED]. The Department of Health and Human Services (Department) was represented by [REDACTED], Hearings Facilitator, and [REDACTED], Family Independence Manager.

ISSUE

Did the Department properly deny the Petitioner's State Disability Assistance (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. On [REDACTED] the Petitioner applied for cash assistance Family Independence Program (FIP).
2. On [REDACTED], the Department found that the Petitioner had already received the maximum FIP benefits and was awarded SDA benefits in error.
3. The Department closed the Petitioner's SDA benefits, effective [REDACTED].

4. The Petitioner was informed that she would have to reapply for SDA benefits and to go through the Michigan Review Team (MRT) medical review process.
5. The Department failed to notify the Petitioner vis-à-vis a Notice of Case Action informing the Petitioner not only of the proposed closing of her SDA benefits but also the reasons for the closure.
6. The Petitioner was informed that she would also have to establish a pending disability case with the Social Security Administration (SSA).
7. On [REDACTED], the Petitioner requested a hearing to protest the closure of her SDA benefits.

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 applied for FIP cash benefits; but the Petitioner had exhausted all of her allowed FIP benefits.

The Department then erroneously provided the Petitioner with SDA benefits.

When the Department realized its error, it moved to close the Petitioner's SDA benefits. The Department did close the Petitioner's SDA Benefits on [REDACTED].

The Department informed the Petitioner that she would have to reapply for disability through the MRT process.

Department policy BEM 220 demands that the Department provide timely notice before the closure of SDA benefits.

The Department did not provide documentation of its having sent the Petitioner a notice of the pending closure of her SDA benefits. This is in violation of Department policy.

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 **did not** act in accordance with Department policy when it failed to send the Petitioner a Notice of Case Action informing her that her SDA was scheduled to close and the reasons for the closure.

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. Reinstatement of the Petitioner's SDA benefits back to the closure date of [REDACTED] and supplement for any missed benefits.

MJB/jaf



Michael J. Bennane
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]

Petitioner

[REDACTED]

[REDACTED]