



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 10, 2016
MAHS Docket No.: 16-003410

[REDACTED]
[REDACTED]

ADMINISTRATIVE LAW JUDGE: Carmen G. Fahie

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 May 4, 2016, from Lansing, Michigan. The Petitioner was represented by herself. The Department of Health and Human Services (Department) was represented by [REDACTED], Eligibility Specialist.

ISSUE

Did the Department properly deny the Petitioner's State Disability Assistance (SDA) application due to the fact that she missed her independent medical psychiatric examination?

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 September 28, 2015, the Petitioner applied for SDA.
2. On October 22, 2015, the Petitioner's medical packet was sent to the Medical Review Team.

3. On February 18, 2016, the MRT denied the Petitioner for SDA because she failed to attend her scheduled medical appointment. Department Exhibit 16a-33a.
4. On March 8, 2016, the Department sent the Petitioner a notice that her SDA application was denied. Department Exhibit 5-6.
5. On March 18, 2016, the Department received a hearing request from the Petitioner, contesting the Department's negative 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 Petitioner applied for SDA on September 28, 2015. On October 22, 2015, the Petitioner's medical packet was sent to the Medical Review Team. On February 18, 2016, the MRT denied the Petitioner for SDA because she failed to attend her scheduled medical appointment. Department Exhibit 16a-33a. On March 8, 2016, the Department sent the Petitioner a notice that her SDA application was denied. Department Exhibit 5-6. On March 18, 2016, the Department received a hearing request from the Petitioner, contesting the Department's negative action. BAM 110, 115, and 815. BEM 260 and 261.

During the hearing, the Petitioner stated that had a conflict with another doctor's appointment for her independent medical psychiatric. She called to let them that she could not make her appointment and asked to reschedule. The Petitioner stated that she was told that it would take a month to reschedule her appointment. She said that was fine, but instead she received a denial from MRT and her independent psychiatric examination was never rescheduled. The Department conceded that since she cancelled her examination timely that it should have been rescheduled. .

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 reschedule the Petitioner's independent psychiatric examination and denying her SDA application for failure to cooperate.

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. Initiate a redetermination of the Petitioner's eligibility for SDA retroactive to September 2015, by having MRT scheduling a new independent psychiatric examiner for the Petitioner to attend.
2. Provide the Petitioner with written notification of the Department's revised eligibility determination.
3. Issue the Petitioner any retroactive benefits she/he may be eligible to receive, if any.



CFdb

Carmen G. Fahie
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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[REDACTED]

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