



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING

SHELLY EDGERTON
DIRECTOR

[REDACTED]

Date Mailed: October 19, 2017
MAHS Docket No.: 17-010575
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Aaron McClintic

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; 42 CFR 438.400 to 438.424; 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 September 19, 2017, from [REDACTED] Michigan. Petitioner was represented by himself. [REDACTED] from Community Mental Health appeared and testified for Petitioner. The Department of Health and Human Services (Department) was represented by [REDACTED], Hearing Facilitator. Department Exhibit 1, pp. 1-19 was received and admitted.

ISSUE

Did the Department properly process 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 June 22, 2017, Petitioner filed an application for SDA.
2. On July 9, 2017, Petitioner filed an application for SDA.
3. On August 4, 2017, Petitioner requested hearing stating "[REDACTED] had held my (activities of daily living) form for weeks. She did not forward them to S.D.A. determination service. She did not return lots of calls to her. This is a new application for S.D.A."

4. On August 24, 2017, the Medical Review Team denied Petitioner's SDA application.
5. On August 25, 2017, the Department issued a Notice of Case Action informing Petitioner that his SDA application was denied.

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.

SDA, RCA, RMA and MA Only

Certify program approval or denial of the application within 45 days.
Bridges automatically generates the client notice.

Exceptions:

- 15 days for all pregnant Medicaid applicants.
- 30 days for Refugee Cash Assistance (RCA) and Refugee Medical Assistance (RMA) applicants.
- 60 days for SDA applicants.
- 90 days for MA categories in which disability is an eligibility factor.
- The SOP can be extended 60 days from the date of deferral by the Medical Review Team. BAM 115 (October 2016)

Medical Certification of Disability

When the person does not meet one of the criteria under Other Benefits or Services or Special Living Arrangements, follow the instructions in BAM 815, Medical Determination and Disability Determination Service (DDS),

Steps for Medical Determination Applications. The DDS will gather and review the medical evidence and either certify or deny the disability claim based on the medical evidence. BEM 261 (April 2017)

In this case, Petitioner raised issues in his request for hearing with regard to the manner in which his June 22, 2017, and July 9, 2017, SDA applications were processed. The Department forwarded his applications and medical records to the Medical Review Team in accordance with Department policy. BAM 115 BEM 261 Petitioner's applications were processed within the standard of promptness. Even if Petitioner's applications had not been processed within the standard of promptness the only remedy would have been to order immediate processing, that is not necessary because the Medical Review Team made a determination. Petitioner requested hearing on the MRT denial and that hearing was pending at the time of this hearing.

Issues raised with regard to Petitioner's case worker not returning his calls are not within the jurisdiction of the undersigned Administrative Law Judge.

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 acted in accordance with Department policy when it processed Petitioner's SDA applications.

DECISION AND ORDER

Accordingly, the Department's decision is **AFFIRMED**.

AM/md



Aaron McClintic

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]