



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN ADMINISTRATIVE HEARING SYSTEM

SHELLY EDGERTON
DIRECTOR

[REDACTED]
[REDACTED]
[REDACTED]

Date Mailed: March 6, 2018
MAHS Docket No.: 18-000849
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Amanda M. T. Marler

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 February 28, 2018, from Detroit, Michigan. The Petitioner was self-represented. The Department of Health and Human Services (Department) was represented by [REDACTED] Assistance Payments Supervisor, and [REDACTED], Eligibility Specialist.

ISSUE

Did the Department properly process Petitioner's request 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 October 25, 2017, Petitioner submitted an application for State Disability Assistance.
2. On November 1, 2017, Petitioner submitted his supporting medical documentation.
3. On November 21, 2017, Petitioner's application and all supporting medical documentation were submitted to the Medical Review Team (MRT).
4. In December 2017, Petitioner's case workers were notified that Petitioner's case was still pending with the MRT.

5. On January 22, 2018, Petitioner filed a hearing request as he had not heard back on his SDA case yet and felt that actions should have been taken.
6. February 2018, Petitioner's case workers were notified that Petitioner's case was still pending with the MRT with the next action/review date as March 5, 2018.

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).

Food Assistance Program

The Food Assistance Program (FAP) [formerly known as the Food Stamp program] is established by the Food and Nutrition Act of 2008, as amended, 7 USC 2011 to 2036a and is implemented by the federal regulations contained in 7 CFR 273. The Department (formerly known as the Department of Human Services) administers FAP pursuant to MCL 400.10, the Social Welfare Act, MCL 400.1-.119b, and Mich Admin Code, R 400.3001-.3011.

At the hearing, Petitioner testified that his concerns with regard to his FAP benefits had been resolved and that he no longer wished to proceed with the hearing as it related to his FAP benefits. The Department had no objection to the withdrawal of the portion of the hearing request related to Petitioner's FAP benefits. Therefore, Petitioner's withdraw is approved and the FAP element of his request for hearing is dismissed.

State Disability Assistance Program

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, Petitioner requested a hearing based upon the length of time in processing Petitioner's SDA application. The Standard of Promptness in SDA cases is 60 days and can be extended by an additional 60 days from the date of deferral by the Medical Review Team. BAM 115 (January 2018), p. 17. It begins the date the Department receives an application/filing form, with the minimum required information. BAM 115, p. 16. At the time of Petitioner's hearing request, the 120-day period had not lapsed. Therefore, the Department was still within the parameters of policy in processing his 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 acted in accordance with policy in processing Petitioner's SDA application.

DECISION AND ORDER

Petitioner's request for hearing on the **FAP** issue is **DISMISSED**.

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



AM/

Amanda M. T. Marler

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]
[REDACTED]

Petitioner

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