



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ORLENE HAWKS
DIRECTOR

[REDACTED]
[REDACTED]
[REDACTED]

Date Mailed: May 15, 2019
MOAHR Docket No.: 19-002998
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Ellen McLemore

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 May 9, 2019, from Detroit, Michigan. Petitioner was present and represented himself. The Department of Health and Human Services (Department) was represented by Abby Sutter, Assistance Payments Supervisor and Stephen Kurecka, Eligibility Specialist.

ISSUE

Did the Department fail to process Petitioner's applications 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 November 17, 2018, Petitioner submitted an application for SDA benefits.
2. On January 14, 2019, Petitioner submitted a second application for SDA benefits.
3. On February 15, 2019, Petitioner's January 14, 2019 SDA benefit application was transferred to the Medical Review Team (MRT).
4. On [REDACTED], 2019, Petitioner submitted a request for hearing.
- 5.

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 testified that Petitioner submitted an application for SDA benefits on January 14, 2019. The Department stated Petitioner's January 14, 2019 SDA application was transferred to MRT on February 20, 2019. The Department testified that a decision has still not been rendered related to Petitioner's January 14, 2019 SDA application.

Petitioner also presented evidence that he submitted an application for SDA benefits on November 17, 2018. Petitioner testified he has not received a decision related to the November 17, 2018 application. The Department was unsure as to the status of the November 17, 2018 application.

The standard of promptness (SOP) begins the date the department receives an application/filing form, with minimum required information. BAM 115 (October 2017), p. 15. For SDA cases, the Department must certify program approval or denial of the application within 60 days. BAM 115, p. 16. Additionally, the SOP can be extended 60 days from the date of deferral by the MRT. BAM 115, p. 16.

Petitioner's first application for SDA benefits is well beyond the SOP. Petitioner's second application, which was transferred to MRT on February 15, 2019, is also beyond the SOP. Therefore, it is found the Department did not act in accordance with policy when processing Petitioner's applications for SDA benefits.

DECISION AND ORDER

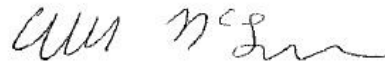
The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds that the Department did not act in accordance with Department policy when it processed Petitioner's SDA applications.

Accordingly, the Department's decisions are **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. Complete the processing of Petitioner's November 17, 2018 and January 14, 2019 applications for SDA benefits;
2. Send Petitioner notice regarding its decision related to his November 17, 2018 and January 14, 2019 applications for SDA benefits; and
3. If Petitioner is eligible for SDA benefits, issue supplements in accordance with Department policy.

EM/cg



Ellen McLemore
Administrative Law Judge
for Robert Gordon, 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 Office of Administrative Hearings and Rules (MOAHR).

A party may request a rehearing or reconsideration of this Order if the request is received by MOAHR 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. MOAHR will not review any response to a request for rehearing/reconsideration.

A written request may be mailed or faxed to MOAHR. If submitted by fax, the written request must be faxed to (517) 763-0155; Attention: MOAHR Rehearing/Reconsideration Request.

If submitted by mail, the written request must be addressed as follows:

Michigan Office of Administrative Hearings and Rules
Reconsideration/Rehearing Request
P.O. Box 30639
Lansing, Michigan 48909-8139

Via Email:

MDHHS-Kent-1-Hearings
B. Sanborn
B. Cabanaw
BSC3- Hearing Decisions
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Via First-Class Mail:

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