



GRETCHEN WHITMER
GOVERNOR

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

ORLENE HAWKS
DIRECTOR

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Date Mailed: March 26, 2019
MAHS Docket No.: 19-001682
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, an in-person hearing was held on March 25, 2019, from Detroit, Michigan. Petitioner was present and represented herself. The Department of Health and Human Services (Department) was represented by Jennifer Cole, Eligibility Specialist.

ISSUE

Did the Department properly process Petitioner's application for State Disability Assistance (SDA) benefits?

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 August 23, 2018, Petitioner submitted an application for SDA benefits.
2. On September 17, 2018, Petitioner submitted the necessary documents to have her application sent to the Medical Review Team (MRT).
3. On December 4, 2018, Petitioner's SDA application was transferred to the MRT.
4. On December 5, 2018, the MRT sent the SDA application back to the specialist assigned to Petitioner's case for a correction.
5. On February 11, 2019, Petitioner submitted a request for hearing.

6. On February 12, 2019, Petitioner's SDA application was transferred to the MRT with the necessary correction.
7. On February 14, 2019, the MRT sent the SDA application back to the specialist for a second correction.
8. On February 14, 2019, Petitioner's SDA application was transferred to the MRT.

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, Petitioner submitted an application for SDA benefits on August 23, 2018. Petitioner alleged that the Department failed to properly process her SDA application, as she still had not received a decision regarding her SDA benefits.

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.

On September 17, 2018, the Department received the necessary documents to transfer Petitioner's SDA application to the MRT. However, the Department did not even transfer the application to the MRT until December 4, 2018, which was well beyond the 60-day SOP. The MRT sent the application back for correction the following day. The Department then failed to make the correction and transfer the application back to the MRT until February 12, 2019, which was beyond the 60-day SOP extension. The Department has not certified program approval or denial. Therefore, the Department failed to follow policy when it processed Petitioner's SDA application.

DECISION AND ORDER

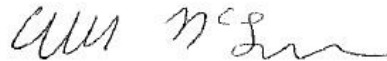
The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds that the Department did not

act in accordance with Department policy when it processed Petitioner's SDA application.

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. Complete the processing of Petitioner's SDA application;
2. Send Petitioner notice regarding its decision related to Petitioner's August 23, 2018, application for SDA benefits; and
3. If Petitioner is eligible for SDA benefits, issue such benefits to her that she is eligible to receive from the date of the application, ongoing.



EM/jaf

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 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) 763-0155; 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

Deborah Little
MDHHS-Wayne-49-Hearings

Petitioner

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