



GRETCHEN WHITMER
GOVERNOR

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

ORLENE HAWKS
DIRECTOR

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Date Mailed: September 19, 2019
MOAHR Docket No.: 19-007681
Agency No.: ██████████
Petitioner: ██████████

ADMINISTRATIVE LAW JUDGE: Lynn M. Ferris

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 August 22, 2019, from ████████ Michigan. The Petitioner was represented by himself. The Department of Health and Human Services (Department) was represented by Richkelle Curney, Hearing Facilitator.

ISSUE

Did the Department properly process the Petitioner's application 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. The Petitioner submitted an application for SDA on or about April 23, 2019. The Petitioner had filed a prior application on March 8, 2019, which was denied by the Department for failure to turn in the requested documents.
2. On the date of the hearing, the Petitioner's SDA application was pending with the Disability Determination Service (DDS); and no determination had been made by the DDS; and the Department had not taken any action on the matter as it was pending.
3. The Petitioner provided a Medical Social Questionnaire (DHS-49F), an Authorization to Release Protected Health Information (DHS-1555) and a completed Activities of Daily Living (DHS-49G) to the Department on or about March 15, 2019.

4. The Department sent the medical information and the forms completed by the Petitioner to the DDS on or about May 31, 2019.
5. The Petitioner requested a timely hearing on or about July 16, 2019, regarding the processing of his SDA application.

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, at the time of the hearing, the Department had not taken any action on the Petitioner's SDA application as it was pending with the DDS, the entity that must review the medical information submitted to determine if it supports a finding of disability. The review by DDS is a required step with SDA applications as they are the decision making authority with regard to claims for medical or cash assistance matters involving disability.

The Disability Determination Service (DDS) develops and reviews medical evidence for disability and/or blindness and certifies the client's medical eligibility for assistance. DDS does not accept electronic medical records in the form of CDs or DVDs. See Exhibit - DDS AREAS for the phone number of the DDS office which handles each county or district. BAM 815 (April 2018), p. 1.

The final step of DDS review is a Certification of the client's disability determination on the DHS-49-A Medical Social Eligibility Certification. BAM 815, p. 6. Until this step is completed, the Department is not authorized to take action.

Department policy regarding timely processing of applications requires that the Department certify program approval or denial of an SDA application within 60 days. The standard of promptness (SOP) begins the date the Department receives an application with minimum required information. BAM 115 (October 2019), p. 16. In this case the standard of promptness was not met by the Department. On the date of the hearing, the case had been pending for 121 days since the filing of the application. However, the DDS must first determine SDA eligibility before the Department can act; thus, there is no action which can be ordered by the undersigned except to order the Department to continue to process the case.

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 process the case so that the SDA standard of promptness for the SDA application was met.

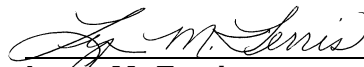
DECISION AND ORDER

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. The Department shall continue to process the Petitioner's SDA application dated April 23, 2019, so that a prompt certification of the application can be completed and the application either approved or denied.

LF/jaf



Lynn M. Ferris

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

DHHS
(via electronic mail)

Tara Roland 82-17
MDHHS-Wayne-17-Hearings
BSC4
L Karadsheh

Petitioner
(via first class mail)

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