



Date Mailed: March 28, 2025

Docket No.: 24-038338

Case No.: [REDACTED]

Petitioner: [REDACTED]

This is an important legal document. Please have someone translate the document.

هذه وثيقة قانونية مهمة. يرجى أن يكون هناك شخص ما يترجم المستند.

এটি একটি গুরুত্বপূর্ণ আইনি ডকুমেন্ট। দয়া করে কেউ দস্তাবেজ অনুবাদ করুন।

Este es un documento legal importante. Por favor, que alguien traduzca el documento.

这是一份重要的法律文件。请让别人翻译文件。

Ky është një dokument ligjor i rëndësishëm. Ju lutem, kini dikë ta përktheni dokumentin.

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; 45 CFR 99.1 to 99.33; and 45 CFR 205.10; and Mich Admin Code, R 792.11002. After due notice, a hearing was held via telephone conference on March 18, 2025. Petitioner appeared and was unrepresented. The Michigan Department of Health and Human Services (MDHHS or Department) was represented by Kathy Burr, Assistance Payments Supervisor, and Manoj Patel, Assistance Payments Worker.

ISSUE

Did the Department properly process Petitioner's State Disability Assistance (SDA) application within the required standard of promptness?

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 [REDACTED] 2024, the Department received from Petitioner an application for SDA benefits.
2. On July 25, 2024, Petitioner requested a hearing, as she had not received a decision regarding her [REDACTED] 2024 SDA application. Exhibit A, pp. 2-7.

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3. On August 16, 2024, Petitioner submitted the Medical-Social Questionnaire DHS-49 form to the Department. The Department rejected the submission as it was missing Petitioner's signature.
 4. On September 23, 2024, Petitioner signed and resubmitted her Medical-Social Questionnaire DHS-49 form, and it was processed by the Department. Exhibit A, p. 15.
 5. On September 23, 2024, the Department forwarded Petitioner's documents to its Medical Review Team (MRT) for processing. Exhibit A, p. 15.
 6. On February 27, 2025, the Department forwarded Petitioner's July 25, 2024 request for hearing to Michigan Office of Administrative Hearings and Rules (MOAHR).

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 Food Assistance Program (FAP) and The Family Independence Program (FIP)

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. MDHHS administers FAP pursuant to MCL 400.10, the Social Welfare Act, MCL 400.1-.119b, and Mich Admin Code, R 400.3001-.3011.

FIP was established pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Pub. L. No. 104-193, and 42 USC 601 to 679c. MDHHS administers FIP pursuant to 45 CFR 233-260, MCL 400.10, the Social Welfare Act, MCL 400.1-.119b, and Mich Admin Code, R 400.3101-.3131.

In this case, Petitioner's hearing request indicated disputes with respect to FAP and FIP benefits. However, at the hearing, Petitioner testified that there were no disputes regarding FAP or FIP benefits and requested to withdraw her Request for Hearing on these issues. The Department had no objection. The Request for Hearing was withdrawn on the record with respect to FAP and FIP. Pursuant to the withdrawal of the Request for Hearing, the matter involving FAP and FIP are, hereby, **DISMISSED**.

State Disability Assistance (SDA)

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 the present case, it is not disputed that Petitioner applied for SDA cash benefits on [REDACTED] 2024. The Department testified that as of the hearing date, Petitioner's SDA application was pending for an MRT decision. The Department was unable to provide any additional information as to the status of the SDA application. Further, at the hearing, the Department could not provide any explanation as to why Petitioner's request for hearing was sent to MOAHR well beyond the required deadline.

In response, Petitioner disputed the Department's failure to process the application in accordance with Department policy. The Department testified that it forwarded Petitioner's completed documents to MRT on September 23, 2024. Exhibit A, p. 15.

The standard of promptness (SOP) begins the date the department receives an application/filing form, with minimum required information. BAM 115 (October 2024), p. 15. The Department certifies the program approval or denial of the application within 45 days. BAM 115, p. 15. The Department automatically generates the client notice. BAM 115, p. 15. However, for SDA application purposes, the SOP is 60 days. BAM 115, p. 16. Additionally, the SOP can be extended 60 days from the date of referral by the Medical Review Team (MRT). BAM 115, p. 16.

Based on the above information and evidence, the Department did not process Petitioner's [REDACTED] 2024 SDA application within the required SOP. Policy states that the Department must process the SDA application within 60 days of the application date. See BAM 115, p. 16. If there was a referral by MRT, then the SOP could have been extended 60 days from the date of referral by MRT, which means the eligibility determination on Petitioner's SDA application should have been completed no later than November 25, 2024. BAM 115, p. 15. The Department failed to present any evidence that the referral occurred in this instance and even if it had, as the date of this hearing, Petitioner's SDA application is still pending with the MRT team. Additionally, the Department was unable to provide any articulable reason for the delay in processing Petitioner's SDA application. Because the Department did not issue a notice approving or denying Petitioner's application for SDA within 60 days of the [REDACTED] 2024 application date, or within 60 days of an MRT referral, the Department did not act in accordance with policy.

During the hearing, Petitioner stated that she had endured unfair treatment and misconduct from the Department. Exhibit A, pp. 2-7. However, complaints alleging misconduct or mistreatment by a state employee cannot be considered by an administrative law judge in an administrative hearing and must be referred to the Department or its customer service unit in accordance with Michigan Administrative Code, Rule 792.11002(3).

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 failed to complete its processing of Petitioner's SDA application.

Accordingly, Petitioner's request for hearing with respect to FAP and FIP is **DISMISSED**, and the Department's decision with respect to SDA 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 [REDACTED] 2024 SDA application;
2. If eligible, issue supplements to Petitioner for any SDA benefits she was otherwise eligible to receive from [REDACTED] 2024 ongoing; and
3. Notify Petitioner of its decision in writing.



L. ALISYN CRAWFORD
ADMINISTRATIVE LAW JUDGE

APPEAL RIGHTS: Petitioner may appeal this Hearing Decision to the circuit court. Rules for appeals to the circuit court can be found in the Michigan Court Rules (MCR), including MCR 7.101 to MCR 7.123, available at the Michigan Courts website at courts.michigan.gov. The Michigan Office of Administrative Hearings and Rules (MOAHR) cannot provide legal advice, but assistance may be available through the State Bar of Michigan at <https://lrs.michbar.org> or Michigan Legal Help at <https://michiganlegalhelp.org>. A copy of the circuit court appeal should be sent to MOAHR. A circuit court appeal may result in a reversal of the Hearing Decision.

Either party who disagrees with this Hearing Decision may also send a written request for a rehearing and/or reconsideration to MOAHR within 30 days of the mailing date of this Hearing Decision. The request should include Petitioner's name, the docket number from page 1 of this Hearing Decision, an explanation of the specific reasons for the request, and any documents supporting the request. The request should be sent to MOAHR

- by email to MOAHR-BSD-Support@michigan.gov, **OR**
- by fax at (517) 763-0155, **OR**
- by mail addressed to
Michigan Office of Administrative Hearings and Rules
Rehearing/Reconsideration Request
P.O. Box 30639
Lansing Michigan 48909-8139

Documents sent via email are not secure and can be faxed or mailed to avoid any potential risks. Requests MOAHR receives more than 30 days from the mailing date of this Hearing Decision may be considered untimely and dismissed.

Via Electronic Mail:

Respondent

WASHTENAW COUNTY DHHS
22 CENTER ST
YPSILANTI, MI 48198

MDHHS-WASHTENAW-HEARINGS@MICHIGAN.GOV

Interested Parties

BSC4
L KARADSHEH
MOAHR

Via First Class Mail:

Petitioner

[REDACTED]
[REDACTED] MI [REDACTED]