

**STATE OF MICHIGAN
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HEALTH AND HUMAN SERVICES**

IN THE MATTER OF:

[REDACTED]

MAHS Reg. No.: 15-021063
Issue No.: 4002
Agency Case No.: [REDACTED]
Hearing Date: January 25, 2016
County: Wayne (19)

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

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 telephone hearing was held on January 25, 2015, from Detroit, Michigan. Petitioner appeared and was represented by [REDACTED]. The Michigan Department of Health and Human Services (MDHHS) was represented by [REDACTED], hearing facilitator.

ISSUE

The issue is whether MDHHS properly denied Petitioner's SDA application due to a failure to verify a pending Social Security Administration (SSA) application.

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], Petitioner applied for SDA benefits.
2. On an unspecified date, MDHHS requested verification that Petitioner had a pending SSA application for disability.
3. On [REDACTED], MDHHS denied Petitioner's SDA application for the reason that Petitioner failed to verify a pending SSA application based on disability.
4. On an unspecified date, MDHHS verified Petitioner had a pending disability application with SSA through their database.

5. On [REDACTED], Petitioner requested a hearing to dispute the denial of SDA benefits.

CONCLUSIONS OF LAW

The State Disability Assistance (SDA) program is established by the Social Welfare Act, MCL 400.1-.119b. MDHHS (formerly known as the Family Independence Agency) administers the SDA program pursuant to 42 CFR 435, MCL 400.10 and Mich Admin Code, R 400.3151-.3180. MDHHS policies are contained in the Bridges Administrative Manual (BAM), Bridges Eligibility Manual (BEM), and Reference Tables Manual (RFT).

Petitioner requested a hearing to dispute the denial of an SDA application. It was not disputed that MDHHS denied the application due to Petitioner's failure to verify a pending disability application with SSA.

[For medical determination applications, MDHHS is to] complete a DHS-3503-MRT, Medical Determination Verification Checklist, indicating the following verifications [are] required: DHS-49-F, DHS-1555, DHS-3975, Reimbursement Authorization (for state-funded FIP/SDA only), and verification of SSA application/appeal. BAM 815 (July 2015), p. 4. Thus, it can be found that MDHHS was authorized to request verification of a pending SSA appeal. The analysis will proceed to determine if the request was necessary.

A Single Online Query (SOLQ) is an acceptable verification of a SSA application or appeal (see *Id.*, p. 8 and BEM 271). [A] SOLQ (State Online Query) reports point in time information on RSDI, Medicare, and SSI. BAM 801 (July 2015), p. 2. Worker inquiries to SSA are requested through Bridges. *Id.* The client must obtain required verification, but the local office must assist if they need and request help. BAM 130 (October 2014), p. 3.

MDHHS testimony conceded they possessed an SOLQ verifying Petitioner had a pending appeal with SSA concerning a disability-based application. MDHHS testimony further conceded that the need to request proof of Petitioner's SSA pending application/appeal was unnecessary because of the SOLQ. Accordingly, the denial of Petitioner's SDA application was improper.

DECISION AND ORDER

The administrative law judge, based upon the above findings of fact and conclusions of law, finds that MDHHS improperly denied Petitioner's application for SDA benefits. It is ordered that MDHHS perform the following actions within 10 days of the date of mailing of this decision:

- (1) reinstate Petitioner's SDA application dated [REDACTED] and

- (2) initiate processing of Petitioner's SDA application subject to the finding that MDHHS verified Petitioner's pending SSA appeal.

The actions taken by MDHHS are **REVERSED**.



Christian Gardocki
Administrative Law Judge
for Nick Lyon, Director
Department of Health and Human Services

Date Signed: **1/29/2016**

Date Mailed: **1/29/2016**

CG / hw

NOTICE OF APPEAL: A party may appeal this Hearing Decision in the circuit court in the county in which he/she resides, or the circuit court in Ingham County, within 30 days of the receipt date. A copy of the claim or application for appeal must be filed with the Michigan Administrative Hearing System (MAHS).

A party may request a rehearing or reconsideration of this Hearing Decision from MAHS within 30 days of the mailing date of this Hearing Decision, or MAHS may order a rehearing or reconsideration on its own motion. MAHS may grant a party's Request for Rehearing or Reconsideration when one of the following exists:

- Newly discovered evidence that existed at the time of the original hearing that could affect the outcome of the original hearing decision;
- Misapplication of manual policy or law in the hearing decision which led to a wrong conclusion;
- Typographical, mathematical or other obvious error in the hearing decision that affects the rights of the client;
- Failure of the ALJ to address in the hearing decision relevant issues raised in the hearing request.

The party requesting a rehearing or reconsideration must specify all reasons for the request. MAHS will not review any response to a request for rehearing/reconsideration. A request must be *received* in MAHS within 30 days of the date this Hearing Decision is mailed.

A written request may be faxed or mailed to MAHS. If submitted by fax, the written request must be faxed to (517) 335-6088 and be labeled as follows:

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

cc:

