



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
Christopher Seppanen
Executive Director

SHELLY EDGERTON
DIRECTOR

[REDACTED]

Date Mailed: May 20, 2016
MAHS Docket No.: 16-002774
Agency No.: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Susanne E. Harris

HEARING DECISION

Following the Petitioner's request for a hearing, this matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and 400.37; 42 CFR 431.200 to 431.250; and 45 CFR 205.10. After due notice, a telephone hearing was held on April 20, 2016, from Lansing, Michigan. The Petitioner, [REDACTED], appeared and testified. The Department of Health and Human Services (Department) was represented by Family Independence Manager, [REDACTED] and Assistance Payment Worker, [REDACTED].

PROCEDURAL HISTORY

After the hearing, this Administrative Law Judge did issue an Interim Order Extending the Record until May 20, 2016. While in the process of submitting additional medical evidence, the Petitioner reported to the Administrative Law Judge's secretary that she had been approved for RSDI benefits. As such, the Administrative Law Judge obtained a SOLQ and marked it ALJ Exhibit 1.

ISSUE

Whether the Department properly determined that the Petitioner was not disabled for purposes of the State Disability Assistance (SDA) benefit program?

FINDINGS OF FACT

The Administrative Law Judge, based upon the competent, material and substantial evidence on the whole record, finds as material fact:

1. On August 27, 2015, the Petitioner filed an application for State Disability Assistance (SDA) benefits alleging disability.

2. On February 10, 2016, the Medical Review Team denied the Petitioner's application.
3. On February 26, 2016, the department caseworker sent the Petitioner notice that the application was denied.
4. On March 9, 2016, the Petitioner filed a request for a hearing to contest the department's negative action.
5. On April 20, 2016, the hearing was held. At the hearing, the Petitioner waived the time periods and requested to submit additional medical information.
6. On May 6, 2016, the Social Security Administration approved claimant for (RSDI) with a disability onset date of April 5, 2014.

CONCLUSIONS OF LAW

The State Disability Assistance (SDA) program which provides financial assistance for disabled persons is established by 2004 PA 344. The Department of Human Services (DHS or department) administers the SDA program pursuant to MCL 400.10, *et seq.*, and MAC R 400.3151-400.3180. Department policies are found in the Program Administrative Manual (BAM), the Program Eligibility Manual (BEM) and the Program Reference Manual (PRM).

Because of the Social Security Administration determination, it is not necessary for the Administrative Law Judge to discuss the issue of disability. BEM, Item 260.

A person eligible for retirement, survivors and disability insurance (RSDI) benefits based on his disability or blindness meets the disability or blindness criteria. Disability or blindness starts from the RSDI disability onset date established by the Social Security Administration (SSA). This includes a person whose entire RSDI benefit is being with child for recruitment. No other evidence is required. BEM, Item 260, Page 1.

The department is required to initiate a determination of the Petitioner's financial eligibility for the requested benefits, if not previously done.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Petitioner meets the definition of disabled in accordance with the Social Security Administration's disability onset date and the State Disability Assistance Program as of the **August 27, 2015** application date.

Accordingly, the department is **ORDERED** to initiate a review of the application if it is not already done so, to determine if all other non-medical eligibility criteria are met. The department shall inform the Petitioner of the determination in writing.

A medical review should be scheduled for May, 2017. The department should check to see if the Petitioner is in current payment status or not. If the Petitioner is in current payment status at the medical review no further action will be necessary. However, if the Petitioner is not in current payment status at the medical review, the department is to obtain updated application forms (DHS49) and obtain updated medical records.

It is ORDERED that the Department review this case one year from this decision and order.



SH/nr

Susanne E. Harris
Administrative Law Judge
for Nick Lyon, 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) 335-6088; 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

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Petitioner

[REDACTED]