



RICK SNYDER  
GOVERNOR

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

SHELLY EDGERTON  
DIRECTOR



Date Mailed: April 11, 2017  
MAHS Docket No.: 17-001912  
Agency No.: [REDACTED]  
Petitioner: [REDACTED]

**ADMINISTRATIVE LAW JUDGE:** Kevin Scully

### **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. After due notice, telephone hearing was held on March 15, 2017, from Lansing, Michigan. The Petitioner represented himself. The Department was represented by [REDACTED] [REDACTED] Family Independence Manager.

### **ISSUE**

Did the Department of Health and Human Services (Department) properly deny Petitioner's State Disability Assistance (SDA) 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 November 25, 2015, the Department received Petitioner's application for State Disability Assistance (SDA) benefits claiming disability due to paranoid schizophrenia. Exhibit A, p 77.
2. On April 22, 2016, the Department determined that Petitioner has failed to present sufficient evidence to establish disability. Exhibit A, pp 71-77.
3. On December 16, 2016, the Department received Petitioner's application for State Disability Assistance (SDA) benefits.
4. Petitioner did not claim new or worsening impairments on his December 16, 2016, application for State Disability Assistance (SDA) benefits.

5. On January 4, 2017, the Department notified Petitioner that it had denied his State Disability Assistance (SDA) application. Exhibit A, pp 78-80.
6. On February 1, 2017, the Department received Petitioner's request for a hearing protesting the denial of his application for State Disability Assistance (SDA) benefits. Exhibit A, p 81.

### **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.

To receive SDA, a person must be disabled, caring for a disabled person, or age 65 or older. Department of Health and Human Services Bridges Eligibility Manual (BEM) 261 (April 1, 2017), p 1.

The Social Security Administration's (SSA) final determination that a client is not disabled and/or blind supersedes DDS's certification. If a client's previous DDS and/or SSA medical determination was not approved when submitting a new application for SDA benefits, the client has to prove a new or worsening condition in order to start the medical determination process again. Department of Health and Human Services Bridges Administrative Manual (BAM) 815 (January 1, 2017), pp 2-7.

On December 16, 2016, the Department received Petitioner's application for SDA benefits claiming that he is unable to perform any work based on a diagnosis of paranoid schizophrenia. Petitioner had previously applied for SDA benefits on November 25, 2015, and had received a determination that he failed to establish disability on April 22, 2016. Petitioner failed to establish new or worsening impairments on his December 16, 2016, that were not considered in the April 22, 2016, finding of non-disability. Therefore, on January 4, 2017, the Department notified Petitioner that it had denied his December 16, 2016, application for SDA benefits as directed by BAM 815.

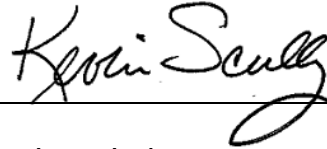
Petitioner failed to claim new or worsening impairments on his December 16, 2015, application for assistance, and failed to present any evidence of a worsening condition at his hearing.

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 acted in

accordance with Department policy when it denied Petitioner's December 16, 2016, application for State Disability Assistance (SDA) benefits.

**DECISION AND ORDER**

Accordingly, the Department's decision is AFFIRMED.



KS/nr

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Kevin Scully  
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]

**Petitioner**

[REDACTED]