



RICK SNYDER
GOVERNOR

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

SHELLY EDGERTON
DIRECTOR

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Date Mailed: May 10, 2017
MAHS Docket No.: 17-002168
Agency No.: ██████████
Petitioner: ██████████

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 3-way telephone hearing was held on ██████████, from Detroit, Michigan. Petitioner appeared and was unrepresented. The Michigan Department of Health and Human Services (MDHHS) was represented by ██████████ medical contact worker.

ISSUE

The issue is whether MDHHS properly terminated 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. Petitioner was an ongoing SDA recipient.
2. On ██████████ ██████████ MDHHS requested a DHS-49-F (Medical Social Questionnaire), DHS-1555 (Authorization to Release Protected Health Information), DHS-3975 Reimbursement Authorization, and proof of Petitioner's pursuit of Social Security Administration (SSA) benefits.
3. The due date to return requested documents was January 3, 2017.
4. On an unspecified date, MDHHS extended the due date to January 13, 2017.

5. On [REDACTED]. MDHHS initiated termination of Petitioner's SDA eligibility, effective [REDACTED]
6. On [REDACTED], Petitioner requested a hearing to dispute the termination of SDA eligibility.
7. As of [REDACTED], Petitioner had not submitted proof of SSA pursuit of 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's written hearing request included a box checked indicating a Family Independence Program (FIP) benefit dispute. Petitioner testified she did not check the box to dispute FIP benefits and did not want a hearing concerning FIP benefits. Petitioner's hearing request will be interpreted as not including a dispute concerning FIP benefits.

Petitioner's hearing request also indicated a dispute of SDA benefits. MDHHS presented a Notice of Case Action (Exhibit 1, pp. 41-44) dated [REDACTED]. The presented notice stated Petitioner's SDA eligibility would end [REDACTED] due to Petitioner's failure to return documentation concerning an SDA redetermination.

[For medical determination reviews,] the client or authorized representative must complete all sections of the DHS-49-FR, Medical Social Questionnaire Update, at the time of a scheduled medical review. BAM 815 (January 2017), p. 5. This form is mandatory [bold lettering removed]. *Id.*

[For medical determination reviews,] the client or authorized representative must sign the DHS-1555, Authorization to Release Protected Health Information, to request existing medical records. *Id.* This form is mandatory [bold lettering removed]. *Id.*

[For medical determination reviews, MDHHS is to] complete a DHS-3503-MRT, Medical Determination Verification Checklist, indicating the following verifications [are] required: DHS-49-FR, DHS-1555, DHS-3975, Reimbursement Authorization (for state-funded FIP/SDA only), [and] verification of SSA application/appeal. *Id.* At application or medical review if requested mandatory forms are not returned, the DDS cannot make a determination on the severity of the disability. *Id.*, p. 2. [MDHHS is to] deny the application or place an approved program into negative action for failure to provide required verifications. *Id.*

MDHHS presented a Medical Determination Verification Checklist (Exhibit 1, pp. 18-19) dated December 20, 2016. The checklist requested a DHS-49-F (not DHS-49FR), DHS-1555, DHS-3975, and proof of a pending SSA application for Petitioner. MDHHS presented a copy of the DHS-49-F (Exhibit 1, pp. 20-23), DHS-1555 (Exhibit 1, pp. 24-26), and DHS-3975 (Exhibit 1, p. 27). The stated due date to return forms was [REDACTED].

Petitioner testified that she could not comply with the stated due date because she never received the checklist or forms. It was not disputed that MDHHS extended Petitioner's due date 10 days, after Petitioner called MDHHS to report that she did not receive the forms. It was also not disputed that MDHHS remailed the documents to Petitioner. MDHHS presented a document (Exhibit 1, p. 30) indicative that forms were remailed to Petitioner on [REDACTED]. MDHHS testimony indicated Petitioner's due date to return the documents was extended to [REDACTED].

MDHHS testimony indicated Petitioner returned only uncompleted documents. MDHHS presented Petitioner's alleged uncompleted documents (see Exhibit 1, pp. 33-37). Petitioner did not concede that she returned uncompleted documents, but she admitted that her daughter may have inadvertently returned the wrong documents to MDHHS. Presented evidence was indicative that Petitioner failed to comply with MDHHS' verification request. There was less doubt concerning Petitioner's verification of SSA benefit pursuit.

MDHHS testimony indicated an attempt was made to verify Petitioner's SSA application via SOLQ (see Exhibit 1, p. 38-40). The SOLQ failed to verify a pending SSA application for Petitioner.

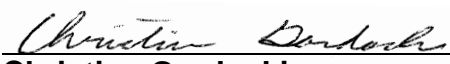
Petitioner testimony conceded she has not applied for SSA benefits since receiving SDA benefits. Petitioner's testimony functionally amounted to a concession that she failed to return verification of her pursuit of SSA benefits.

Petitioner's failure to verify pursuit of SSA benefits justifies a termination of SDA benefits. It is found MDHHS properly terminated Petitioner's SDA eligibility.

DECISION AND ORDER

The administrative law judge, based upon the above findings of fact and conclusions of law, finds that MDHHS properly terminated Petitioner's SDA eligibility, effective [REDACTED]. The actions taken by MDHHS are **AFFIRMED**.

CG/hw



Christian Gardocki
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]

Petitioner

[REDACTED]
[REDACTED]
[REDACTED]