



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: June 13, 2017
MAHS Docket No.: 17-005611
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: C. Adam Purnell

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 June 8, 2017, from Lansing, Michigan. Petitioner appeared and represented himself. [REDACTED] (Case Manager) from [REDACTED] appeared as a witness for Petitioner. [REDACTED] Assistance Payments Supervisor (APS) and [REDACTED] (Eligibility Specialist) appeared on behalf of the Department of Health and Human Services (Department).

The Department offered the following exhibits which were marked and admitted into evidence: [**Department's Exhibit A:** Benefit Notice (page 1-2), **Department's Exhibit B:** Bridges Case Comments Summary (page 1).].

Petitioner did not offer any exhibits into evidence.

The record closed at the conclusion of the hearing.

ISSUE

Did the Department properly determine Petitioner's eligibility for State Disability Assistance (SDA)?

FINDINGS OF FACT

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

1. In 2016, Petitioner was active for SDA benefits. [Department's Exhibit B, p. 3].

2. Petitioner applied for disability benefits with the Social Security Administration (SSA), but the SSA, on or about January 10, 2017, denied Petitioner's final appeal for disability benefits. [Dept. Exh. B, p. 3].
3. On April 17, 2017, the Department mailed Petitioner a Benefit Notice (DHS-176), which indicated that his SDA case would close effective April 30, 2017, based upon the SSA determination. [Dept. Exh. A, pp. 1-2].
4. Petitioner requested a hearing to appeal the decision on April 24, 2017. [Dept. Exh. A, pp. 1-2].

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.

The Disability Determination Service (DDS) develops and reviews medical evidence for disability and/or blindness and certifies the client's medical eligibility for assistance. For SDA, at program application or request for disability deferral, clients must apply for or appeal benefits through the SSA if claiming disability and/or blindness. This is a condition of program eligibility; see BEM 270, Pursuit of Benefits. BAM 815 (1-1-2017), pp. 1-2.

The Social Security Administration's (SSA's) final determination that a client is not disabled and/or blind supersedes DDS's certification. See BEM 260 for MA to determine when to proceed with a medical determination for these clients. BAM 815, p. 2.

If a client's previous DDS and/or SSA medical determination was not approved, the client has to prove a new or worsening condition in order to start the medical determination process again. BAM 815, p. 7.

If the client is **not** eligible for RSDI based on disability or blindness, the Disability Determination Service (DDS) certifies disability and blindness. **Exception:** The SSA's final determination that the client is **not** disabled/blind for SSI, **not** RSDI, takes **precedence** over a DDS determination. BEM 260 (7-1-2015), p. 3. [Emphasis in original].

Requests for administrative hearings regarding DHS determinations, such as DDS denials or the calculation of a deductible amount, are heard by DHS. However, DHS **cannot** conduct hearings regarding the issue of disability or blindness when SSA made the determination. These requests must be filed at SSA. BEM 260, p. 5.

In the instant matter, Petitioner requested a hearing because he believes that he is disabled and entitled to SDA benefits. The Department contends that when the SSA, after a final appeal, determined that Petitioner was not disabled, BAM 815 indicates that Petitioner is not eligible for SDA. Petitioner's witness, [REDACTED] did not offer any relevant testimony at the hearing.

This Administrative Law Judge has carefully considered and weighed the testimony and other evidence in the record. This matter is relatively straightforward. Here, the Department had provided case comments which indicate that according to the SOLQ from the SSA, Petitioner has been denied at appeals through January 2017. Petitioner did not dispute this. According to BAM 815, p. 2 above, the SSA's final determination that a client is not disabled and/or blind supersedes DDS's certification. BEM 260, cited above, indicates that the SSA's final determination that the client is **not** disabled/blind for SSI, not RSDI, takes precedence over a DDS determination. Policy further indicates that requests for administrative hearings regarding DHS determinations, such as DDS denials or the calculation of a deductible amount, are heard by DHS. However, DHS **cannot** conduct hearings regarding the issue of disability or blindness when SSA made the determination. These requests must be filed at SSA. BEM 260, p. 5. In addition, Petitioner has not argued that he has a new or worsening medical condition. Accordingly, Petitioner is no longer eligible for SDA benefits.

Based on the material, competent and substantial evidence on the whole record, this Administrative Law Judge finds that Petitioner is not eligible for SDA benefits based on the SSA's final determination that he is not disabled.


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 closed his SDA benefits.

DECISION AND ORDER

Accordingly, the Department's decision is **AFFIRMED**.

IT IS SO ORDERED.

CAP/mc



C. Adam Purnell
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]