



RICK SNYDER  
GOVERNOR

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

SHELLY EDGERTON  
DIRECTOR

[REDACTED]  
[REDACTED]  
[REDACTED]

Date Mailed: April 6, 2017  
MAHS Docket No.: 17-002173  
Agency No.: [REDACTED]  
Petitioner: [REDACTED]

**ADMINISTRATIVE LAW JUDGE: Eric J. Feldman**

**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 March 15, 2017, from Detroit, Michigan. Petitioner was present for the hearing and represented herself. The Department of Health and Human Services (Department) was represented by [REDACTED], Family Independence Manager.

**ISSUE**

Did the Department properly close Petitioner's State Disability Assistance (SDA) benefits effective February 1, 2017?

**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 recipient of SDA benefits.
2. On December 5, 2016, the Department sent Petitioner a Redetermination (DHS-1010) for her Cash benefits (SDA), which was due back by January 5, 2017. Exhibit A, pp. 3-10.
3. The Redetermination also informed Petitioner that she must attend an in-person interview on January 5, 2017, at 10:00 a.m., in order to review the Redetermination. Exhibit A, p. 3.

4. On December 19, 2016, the Department received Petitioner's submitted Redetermination, which was signed by her on December 13, 2016. Exhibit A, pp. 3-10.
5. Petitioner failed to attend her scheduled in-person interview for January 5, 2017.
6. On January 19, 2017, the Department sent Petitioner a Notice of Case Action notifying her that her SDA benefits would close effective February 1, 2017 because a group member did not meet program requirements and she failed to return her redetermination form. Exhibit B, pp. 1-2.
7. On January 31, 2017, the Department sent Petitioner a Benefit Notice informing her that her SDA benefits would stop effective February 1, 2017 because she missed her interview. Exhibit B, pp. 3-4.
8. On February 13, 2017, Petitioner filed a hearing request, protesting the Department's action. Exhibit A, p. 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 Michigan Department of Health & Human Services (MDHHS) must periodically redetermine or renew an individual's eligibility for active programs. BAM 210 (January 2017), p. 1. The redetermination/renewal process includes thorough review of all eligibility factors. BAM 210, p. 1. A complete redetermination/renewal is required at least every 12 months. BAM 210, p. 2.

In the present case, on December 5, 2016, the Department sent Petitioner a Redetermination for her Cash benefits (SDA), which was due back by January 5, 2017. Exhibit A, pp. 3-10. The Redetermination also informed Petitioner that she must attend an in-person interview on January 5, 2017, at 10:00 a.m., in order to review the Redetermination. Exhibit A, p. 3. On December 19, 2016, the Department received Petitioner's submitted Redetermination, which was signed by her on December 13, 2016. Exhibit A, pp. 3-10. But, Petitioner subsequently failed to attend her scheduled in-person interview for January 5, 2017. As such, the Department closed her SDA benefits effective February 1, 2017 because she missed her scheduled interview time.

It should be noted that on January 19, 2017, the Department sent Petitioner a closure notice informing her that her SDA benefits would close effective February 1, 2017 because a group member did not meet program requirements and she failed to return her redetermination form. Exhibit B, pp. 1-2. This closure notice stated the improper closure reasons as Petitioner did submit her Redetermination timely. Nevertheless, the Department sent Petitioner a subsequent Benefit Notice on January 31, 2017, which informed her of the proper closure reason that her SDA benefits closed due to her failure to attend the interview. Exhibit B, pp. 3-4.

In response, Petitioner argued that she did not receive notice of her appointment time until after her case closure. Petitioner testified that she did not receive the Notice of Case Action, but that she received the Benefit Notice. Upon receipt of the Benefit Notice, Petitioner testified that she called her caseworker in early February 2017 to inquire on her case closure and was informed she missed her scheduled interview for January 5, 2017. Petitioner testified that her caseworker subsequently sent her the Redetermination form to complete. In summary, Petitioner argued that she did not receive the Redetermination form, which informed of her scheduled interview time, until after the case closure.

Interview requirements are determined by the program that is being redetermined. BAM 210, p. 4. For SDA benefits, all individuals with a SDA Eligibility Determination Group (EDG) participation status of eligible or disqualified adult who are physically able must be interviewed and must sign and date the DHS-1010 or DHS-1171 in the specialist's presence. BAM 210, p. 5. Interviews are usually conducted at the local office but may be held in a group's home if:

- The head of household's physical condition precludes an office interview.
- A home call would result in better information.

BAM 210, p. 6.

Based on the foregoing information and evidence, the Department properly closed Petitioner's SDA benefits effective February 1, 2017, in accordance with Department policy. The undersigned Administrative Law Judge (ALJ) does not find Petitioner's argument credible that she did not receive notice of her scheduled interview time until after the case closure. The evidence established that on December 19, 2016, the Department received Petitioner's submitted Redetermination, which was signed by her on December 13, 2016. Exhibit A, pp. 3-10. This evidence shows that Petitioner was notified of her scheduled interview date of January 5, 2017 because she both signed and submitted her Redetermination form, which notified her of the appointment, well before the scheduled interview. As such, the undersigned ALJ finds that the Department properly informed Petitioner of her scheduled interview date of January 5, 2017 and that she subsequently failed to attend this interview. Accordingly, the Department properly closed Petitioner's SDA benefits effective February 1, 2017, in accordance with Department policy. See BAM 210, pp. 1-6.

**DECISION AND ORDER**

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 Petitioner's SDA benefits effective February 1, 2017.

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

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**Eric J. Feldman**  
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

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