



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN ADMINISTRATIVE HEARING SYSTEM

SHELLY EDGERTON
DIRECTOR

[REDACTED]

Date Mailed: July 19, 2018
MAHS Docket No.: 18-004989
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Lynn M. Ferris

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; 42 CFR 431.200 to 431.250. After due notice, a telephone hearing was held on July 16, 2018, from Detroit, Michigan. The Petitioner was represented by herself. The Department of Health and Human Services (Department) was represented by [REDACTED] Family Independence Manager.

ISSUE

Whether the Department properly determined that Petitioner was not disabled for purposes of the Medical Assistance (MA) and/or State Disability Assistance (SDA) benefit programs?

FINDINGS OF FACT

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

1. The Petitioner applied for State Disability Assistance (SDA) on October 21, 2018.
2. The Petitioner also applied for Disability benefits with the Social Security Administration (SSA) on November 28, 2017. Exhibit 1, p. 38
3. The Social Security Administration denied the Petitioner's November 28, 2018 application on April 5, 2018.
4. Petitioner in her application claimed disability due to fibromyalgia, mental impairment due to depression, panic attacks, PTSD and anxiety, bursitis of the foot, bilateral foot pain, restless leg syndrome, memory loss and ulcers.

5. The Petitioner did not appeal the SSA disability denial within 60 days and was advised by the SSA to reapply.
6. The Disability Determination Service found the Petitioner not disabled on April 4, 2018 and found her capable of light work. Exhibit 2, p. 16-22.
7. The Department sent Petitioner a Notice of Case Action denying the Petitioner's SDA application on April 10, 2018, effective November 6, 2017. Exhibit 3
8. The Petitioner requested a hearing on May 11, 2018.

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), and Department of Health and Human Services Reference Tables Manual (RFT).

The State Disability Assistance (SDA) program, which provides financial assistance for disabled persons, was established by 2004 PA 344. The Department administers the SDA program pursuant to 42 CFR 435, MCL 400.10 *et seq.* and Mich Admin Code, Rules 400.3151 – 400.3180. A person is considered disabled for SDA purposes if the person has a physical or mental impairment which meets federal Supplemental Security Income (SSI) disability standards for at least ninety days. Receipt of SSI benefits based on disability or blindness, or the receipt of MA benefits based on disability or blindness, automatically qualifies an individual as disabled for purposes of the SDA program.

In this case, the Petitioner was required by Department policy to apply for Social Security Disability SSI as part of the SDA application process. BEM 271 (January 2016) p. 4. The Petitioner applied for Social Security SSI based on disability and testified that her application was denied by the SSA on April 4, 2018. The Petitioner did not timely appeal the SSA denial and thus must reapply for SDA with the Department as the SSI application based upon the current impairments was denied by SSA. Department policy in BEM 271 provides:

An SSI hearing **must** be requested within 60 days of the SSI application denial date. The specialist must:...

If the client is not cooperating, close the state-funded SDA case. BEM 271, p8.

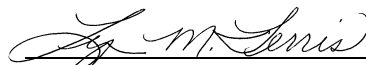
At the hearing the Petitioner testified that she failed to file an appeal of the SSA Decision denying her application within 60 days and was advised that her appeal was untimely and the SSA advised Petitioner that she was required to file a new application.

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 Petitioner was determined not disabled for purposes of SSI by the Social Security Administration and did not timely complete her appeal of the Social Security SSI denial. Therefore the Department's denial of Petitioner's application for SDA is hereby affirmed.

DECISION AND ORDER

Accordingly, the Department's determination is AFFIRMED.

LF/tm



Lynn M. Ferris

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) 763-0155; 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]

Petitioner

[REDACTED]
[REDACTED]
[REDACTED]

CC:

[REDACTED]
[REDACTED]