



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING

SHELLY EDGERTON
DIRECTOR

[REDACTED]
[REDACTED]
[REDACTED] MI [REDACTED]

Date Mailed: August 20, 2018
MAHS Docket No.: 18-005129
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Carmen G. Fahie

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 17, 2018, from Lansing, Michigan. Petitioner was represented by himself, [REDACTED], Case Manager from Recovery Technology, and [REDACTED], Recovery Coach from the Home of New Vision. The Department of Health and Human Services (Department) was represented by Melissa Johnstone, Family Independence Manager, and Mary Patterson, Eligibility Specialist.

ISSUE

Whether the Department properly determined that Petitioner was not disabled for purposes of continued 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. On March 31, 2017, Petitioner was approved for SDA as meeting the SSA listing for spinal disorders by the Administrative Law Judge with medical review due on March 31, 2018. Department Exhibit D.
2. On May 12, 2018, the MRT denied Petitioner's medical review for SDA, stating that Petitioner had medical improvement per CDR 20 CFR 416.994.
3. On May 16, 2018, the Department Caseworker sent Petitioner a notice that he was denied for continued SDA because he had had medical improvement.

4. On May 22, 2018, the Department received a hearing request from Petitioner, contesting the Department's negative action.
5. On June 13, 2018, Petitioner received an unfavorable ruling for the Social Security Disability Determination Appeals Council, which is a controlling ruling.
6. Petitioner is a ■-year old man whose date of birth is ■■■■■■■■■■. Petitioner is ■■■■■ tall and weighs ■■■■ pounds. Petitioner has completed the 9th grade of high school. He was special education in all subjects in high school. Petitioner can read but cannot write well and cannot do basic math. Petitioner has no pertinent work history.
7. Petitioner's alleged impairments are a missing bone in his shoulder, chronic heart failure, degenerative disc disease, cataracts, and chronic obstructive pulmonary disorder.

CONCLUSIONS OF LAW

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.

This is a case in which the Disability Determination Service has denied the SSI claim in the past 12 months. Since the allegations are the same, the Social Security Appeals Decision is required to be used as the basis for this decision. Therefore, Petitioner's redetermination for SDA is denied and no further analysis is required.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides the Department correctly determined that Petitioner is not currently disabled for SDA eligibility purposes. The Disability Determination Service has denied Petitioner's SSI claim in the past 12 months.

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

CF/dh



Carmen G. Fahie
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

Denise Croff
301 E. Louis Glick Hwy.
Jackson, MI 49201

Jackson County, DHHS

BSC4 via electronic mail

L. Karadsheh via electronic mail

Petitioner

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