



RICK SNYDER
GOVERNOR

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

SHELLY EDGERTON
DIRECTOR

Date Mailed: August 9, 2018
MAHS Docket No.: 18-005550
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Jacquelyn A. McClinton

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 26, 2018, from Detroit, Michigan. Petitioner represented himself. The Department of Health and Human Services (Department) was represented by [REDACTED], Eligibility Specialist and [REDACTED], Hearing Facilitator.

ISSUE

Did the Department properly determine that Petitioner was not disabled for purposes of continued State Disability Assistance (SDA) benefit program eligibility?

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 a recipient of SDA benefits.
2. On March 1, 2017, Petitioner was found disabled by the Disability Determination Service (DDS)/Medical Review Team (MRT) for purposes of SDA benefits. (Exhibit 2, pp. 404-414).
3. The DDS conducted a review of Petitioner's medical condition on or about October 31, 2017.
4. In connection with the July 2017 review, DDS indicated that medical improvement had occurred. (Exhibit 1, pp. 723-729).

5. On May 22, 2018, the Department sent Petitioner a Notice of Case Action which notified him that because he was not disabled, his SDA benefits would close effective July 1, 2018. (Exhibit 4, pp. 8-11).
6. On May 25, 2018, the Department received Petitioner's timely written request for hearing concerning the finding that he has experienced medical improvement and was no longer disabled (Exhibit 4, pp. 2-3).
7. Petitioner alleged disabling impairment due to degenerative disc disease, arthritis in spine, hypertension, bipolar disorder and PTSD.
8. At the time of hearing, Petitioner was [REDACTED] years old with a [REDACTED] birth date; he is [REDACTED]" in height and weighs about [REDACTED] pounds.
9. Petitioner completed school through the [REDACTED] grade and obtained his GED.
10. Petitioner has an employment history of work as a mechanic.
11. Petitioner does not have a pending disability claim with the Social Security Administration (SSA).

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 disabled person is eligible for SDA. BEM 261 (July 2014), p. 1. An individual automatically qualifies as disabled for purposes of the SDA program if the individual receives Supplemental Security Income (SSI) or Medical Assistance (MA-P) benefits based on disability or blindness. BEM 261, p. 2. Otherwise, to be considered disabled for SDA purposes, a person must have a physical or mental impairment lasting, or expected to last, at least ninety days which meets federal SSI disability standards, meaning the person is unable to do any substantial gainful activity by reason of any medically determinable physical or mental impairment. BEM 261, pp. 1-2; 20 CFR 416.901; 20 CFR 416.905(a).

As a condition of ongoing SDA eligibility, a client must apply for benefits with the Social Security Administration and timely appeal any SSA denial. BEM 271 (January 2016), pp. 1, 7-9. When SSA determines that a disability does not exist and the SSA decision

is final, the SDA case must be processed for closure. BEM 271, p. 9. An SSA decision is final when (i) it was made after January 1, 1990; (ii) no further appeals may be made at SSA; (iii) the client failed to file an appeal at any step with SSA's 60-day limit; and (iv) the client is not claiming a totally different disabling condition than the condition SSA based its determination on or an additional impairment, change or deterioration in his condition that SSA has reviewed and not made a determination on yet. BEM 271, p. 9.

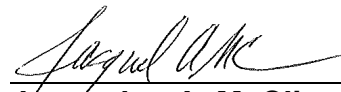
In the instant case, Petitioner testified that he previously applied for benefits with the SSA. Petitioner confirmed that an appeal was filed but denied. Petitioner confirmed that, as of the date of the hearing, he does not have an application or appeal pending with the SSA. It is therefore found, that Petitioner is not entitled to SDA benefits. However, Petitioner indicated that he will submit a new application with the SSA on August 6, 2018. To the extent Petitioner is claiming a totally different disabling condition than the condition SSA based its determination on or an additional impairment, change or deterioration in his condition that SSA has reviewed and not made a determination on yet, he may reapply for SDA benefits.

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 July 1, 2018.

DECISION AND ORDER

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

JAM/tlf



Jacquelyn A. McClinton

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

Via Email:

[REDACTED]

Petitioner – Via First-Class Mail:

[REDACTED]