



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ORLENE HAWKS
DIRECTOR

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

Date Mailed: June 7, 2019
MOAHR Docket No.: 19-004396
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Jeffrey Kemm

HEARING DECISION

Following Petitioner's request for a hearing, this matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and Mich Admin Code, R 792.11002. After due notice, a telephone hearing was held on June 5, 2019, from Lansing, Michigan. Petitioner, [REDACTED] [REDACTED] appeared and represented herself. Eligibility Specialist, Kimberly Williams, appeared for the Department of Health and Human Services (Department).

One exhibit was admitted into evidence during the hearing. A 27-page packet of documents provided by the Department was admitted collectively as the Department's Exhibit A.

ISSUE

Did the Department properly terminate Petitioner's 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. Petitioner received SDA from the Department.
2. As of [REDACTED] [REDACTED] 2018, Petitioner had an individual plan for employment (IPE) from Michigan Rehabilitation Services (MRS). The IPE advised Petitioner that it was her responsibility to keep in regular touch with her MRS counselor and others who are part of her rehabilitation program. The IPE expired after one year.
3. Petitioner did not renew her IPE with MRS.

4. On [REDACTED] [REDACTED] 2019, the Department issued a redetermination to Petitioner to obtain information to review her eligibility for assistance.
5. On [REDACTED] [REDACTED] 2019, Petitioner returned the redetermination to the Department with the information requested by the Department.
6. The Department reviewed Petitioner's case and discovered that she did not have a current IPE with MRS.
7. On April 4, 2019, the Department issued a notice of case action to Petitioner to notify her that her SDA was going to be terminated effective [REDACTED] [REDACTED] 2019, because she did not return an updated IPE from MRS.
8. On April 15, 2019, the Department spoke with Petitioner and notified Petitioner that she did not have a current IPE with MRS. The Department notified Petitioner that she was ineligible for SDA without a current IPE. The Department notified Petitioner that it was going to terminate her SDA effective [REDACTED] [REDACTED] 2019, but that it could be reinstated if she provided a new IPE.
9. On [REDACTED] [REDACTED] 2019, Petitioner requested a hearing to dispute the Department's decision to terminate her SDA.

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.

SDA is available to those individuals who meet the program requirements. If an individual is receiving services from MRS and has a signed active IPE, then the individual is eligible for SDA. BEM 261 (April 1, 2017), p. 2. Here, Petitioner was receiving SDA on the basis that she had a signed active IPE from MRS. When the Department discovered that Petitioner no longer had a signed active IPE, the Department terminated Petitioner's SDA. Petitioner did not present any evidence to establish either that she had a signed active IPE or that she met the SDA program requirements any other way. Therefore, I must find that the Department properly terminated Petitioner's SDA.

Petitioner asserted that she was unaware she did not have a signed active IPE because the Department did not notify her. The Department may not have notified Petitioner, but

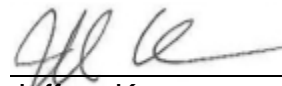
there was no policy that required it to. The Petitioner signed an agreement with MRS which advised her that it was her responsibility to keep in regular touch with MRS.

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 did act in accordance with its policies and the applicable law when it issued its [REDACTED] 2019, decision which terminated Petitioner's SDA effective [REDACTED] 2019.

IT IS ORDERED the Department's decision is AFFIRMED.

JK/nr



Jeffrey Kemm
Administrative Law Judge
for Robert Gordon, 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 Office of Administrative Hearings and Rules (MOAHR).

A party may request a rehearing or reconsideration of this Order if the request is received by MOAHR 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. MOAHR will not review any response to a request for rehearing/reconsideration.

A written request may be mailed or faxed to MOAHR. If submitted by fax, the written request must be faxed to (517) 763-0155; Attention: MOAHR Rehearing/Reconsideration Request.

If submitted by mail, the written request must be addressed as follows:

Michigan Office of Administrative Hearings and Rules
Reconsideration/Rehearing Request
P.O. Box 30639
Lansing, Michigan 48909-8139

DHHS

Keisha Koger-Roper
12140 Joseph Campau
Hamtramck, MI
48212

Wayne 55 County DHHS- via electronic
mail

BSC4- via electronic mail

L. Karadsheh- via electronic mail

Petitioner

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[REDACTED]