



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]

Date Mailed: August 15, 2019
MOAHR Docket No.: 19-005984
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: John Markey

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; 42 CFR 438.400 to 438.424; 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 July 22, 2019, from Detroit, Michigan. Petitioner appeared and represented herself. The Department of Health and Human Services (Department) was represented by Christal Taylor, Eligibility Specialist. During the hearing, a 15-page packet of documents was offered and admitted into evidence as Exhibit A, pp. 1-15.

ISSUE

Did the Department properly deny Petitioner's April 15, 2019 application for 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. On [REDACTED] 2019, Petitioner submitted to the Department an application for SDA benefits.
2. On April 16, 2019, the Department issued to Petitioner a Medical Determination Verification Checklist requesting information relevant to determining Petitioner's eligibility for SDA benefits. In relevant part, the Department directed Petitioner to provide to the Department proof of pending Social Security Administration (SSA) disability benefits application or scheduled appointment to apply for benefits along with additional documentation needed to support disability. The requested proofs

were due by April 26, 2019. Petitioner was informed that failure to provide the documentation would result in the denial of her application. Exhibit A, pp. 14-15.

3. Petitioner did not submit anything to the Department related to a pending application or appointment with the SSA.
4. On May 22, 2019, the Department issued to Petitioner a Notice of Case Action informing Petitioner that her application for SDA benefits was denied because of Petitioner's failure to pursue benefits from the SSA as directed. Exhibit A, pp. 5-10.
5. On [REDACTED], 2019, Petitioner submitted to the Department a request for hearing objecting to the Department's action.

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.

In this case, Petitioner objects to the Department's denial of Petitioner's [REDACTED], 2019 application for SDA benefits. The denial was based on the Department's conclusion that Petitioner failed to pursue benefits from the SSA as directed, as required by Department policy.

As a condition of eligibility, individuals must apply for any state and/or federal benefits for which he or she may be eligible. BEM 270 (January 2018), p. 1. Refusal by a client to pursue a potential benefit results in group ineligibility. BEM 270, p. 1. The types of benefits potentially available to disabled individuals include SSA administered benefits like SSI and RSDI. BEM 270, pp. 2-3. For individuals applying for SDA benefits, the Department must receive verification from the SSA that an application or appeal is on file. BEM 270, p. 7.

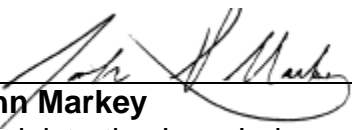
Petitioner was informed of the requirement to pursue benefits from the SSA via the April 16, 2019 Medical Determination Verification Checklist. Petitioner was informed of the consequences for failing to pursue benefits from the SSA and provide proof of the same to the Department by the Deadline. Petitioner failed to provide anything to the Department by the deadline, causing her application to be properly denied.

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 denied Petitioner's [REDACTED] 2019 application for SDA benefits.

DECISION AND ORDER

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

JM/cg



John Markey
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

Via Email:

MDHHS-Wayne Pathways to Potential
L. Karadsheh
BSC4- Hearing Decisions
MOAHR

Petitioner – Via First-Class Mail:

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