



GRETCHEN WHITMER
GOVERNOR

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

ORLENE HAWKS
DIRECTOR

[REDACTED]
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[REDACTED] MI [REDACTED]

Date Mailed: September 19, 2019
MOAHR Docket No.: 19-007673
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; 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 August 22, 2019, from [REDACTED] Michigan. The Petitioner was represented by himself. The Department of Health and Human Services (Department) was represented by Karen Smalls, Assistance Payments Supervisor, and Patricia Chamber, Eligibility Specialist.

ISSUE

Did the Department properly deny the Petitioner's State Disability Assistance application (SDA) application for failure to apply for Social Security Supplemental Security Income (SSI)?

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 December 11, 2018. After all the medical information was compiled and received, the information was sent to the Disability Determination Service (DDS) on January 25, 2019, and May 30, 2019.
2. The Petitioner was sent a verification checklist (VCL) on December 17, 2018, requesting verifications of information in support of his SDA application which was sent to the Petitioner's correct address. Exhibit G.
3. On June 3, 2019, the Department sent the Petitioner a Notice to Apply for SSI which indicated that he was required to apply by December 11, 2018. The form also indicated that Petitioner was required to request and attend an SSI hearing

and must request the hearing by June 3, 2019. No subsequent action was taken on this notice which was sent to the Petitioner at his correct address.

4. The DDS determined that the Petitioner did not meet the requirement for disability eligibility because a DHS-1552 verification from Social Security Administration (SSA) regarding verification of application or appeal for SSI/Retirement, Survivors and Disability Insurance (RSDI) stated that customer did not have any claims currently pending as of June 19, 2019.
5. The Department sent the Petitioner a Notice of Case Action on July 3, 2019, denying the Petitioner's SDA application as of January 1, 2019. Exhibit B.
6. On May 30, 2019, the Department through its caseworker sent the MRT/DDS an email noting that Petitioner had been sent a second request to make an SSI application. The DDS advised the Department in a return email that the Petitioner's SDA case was being returned due to missing proof of Social Security. Exhibit C.
7. The Petitioner's Electronic Case File did not contain any verification received from the Petitioner that he completed an application for SSI with the SSA. Exhibit I.
8. On June 3, 2019, the Department sent the Pontiac SSA a DHS-1552 requesting verification that Petitioner made an application for SSI, requested an administrative hearing or request an Appeals Council Review. The SSA responded stating no claims currently pending, and the form was signed on June 19, 2019.
9. After the hearing and within the time agreed to receive his submission, the Petitioner provided a statement from SSA dated August 22, 2019, that stated Petitioner filed an application for Social Security Disability and Supplemental Security Income (SSI) on January 3, 2019. A copy of the SSI application was also provided. Petitioner Exhibit 1.
10. The Petitioner requested a timely hearing on July 12, 2019, protesting the denial of his application.

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, the Department denied the Petitioner's December 11, 2018, application for SDA cash assistance due to Petitioner's failure to have a pending Social Security application, a pending SSA hearing or a pending SSA appeal. The Department, in an attempt to verify whether the Petitioner applied for SSI and if he had a currently pending claim with SSA, sent the SSA a DHS-1552 requesting verification that Petitioner had a pending Administrative Hearing or had a request for an Appeals Council Review on his application for SSI pending on appeal. Exhibit D. The Department issued a Notice of Case Action on July 3, 2019, denying the SDA application effective January 1, 2019, based upon the SSA verification that Petitioner had no pending claim with SSA.

To receive SDA, a person must be disabled, caring for a disabled person or age 65 or older. A disabled person must be certified as unable to work due to mental or physical disability for at least 90 days from the onset of the disability. BEM 261 (April 2017), p. 2.

As a condition of eligibility individuals must apply for any state and/or federal benefits for which they may be eligible. This includes taking action to make the entire benefit amount available to the group. Refusal of a program group member to pursue a potential benefit results in group ineligibility. Individuals applying for, or receiving disability-related MA must apply for SSI as a potential resource. BEM 270 (January 2018), p.1.

A person applying for SDA must be referred to the Social Security Administration (SSA) to apply for SSI. For individuals applying for SDA verification must be obtained from SSA that an **application or appeal** is on file **before** the case is referred to DDS. To verify SSI the following may be used, Single Online Query (SOLQ) Response, DHS-1552, Verification of Application for SSI from SSA, Correspondence from SSA and or telephone or other contact with SSA. BEM 270 (January 2018), pp. 7-8.

In this case, the Petitioner's SDA application was denied because the SSA confirmed in the Department's request for verification that as of June 14, 2019, the Petitioner did not have a currently pending claim with the SSA. In order to comply with Department policy, the Petitioner must continue to pursue SSI even after a denial by SSA, and must request a hearing regarding the denial; and after a hearing denying SSI, the claim must be further pursued by filing an appeal with the SSA Appeals Counsel.

In this case, the Petitioner provided proof that he had applied for SSI as of January 3, 2019, and offered no further clarification as to whether his claim had been denied, whether he had a hearing pending or whether his claim for SSI was on appeal. The SSA's verification that no claim was pending as of June 19, 2019, indicates that the claim was not further pursued by the Petitioner as after his application in January 2019 the claim was no longer active in June 2019. In addition, the Department had no information in the Petitioner's electronic case file that confirmed receipt from Petitioner of a verification that he had applied for SSI with the SSA. Exhibit I. Because Department policy requires that SSI benefits must continue to be pursued by the applicant, the Petitioner's proof of filing an application is insufficient by itself to establish a pending SSA claim in light of the SSA verification that there was no claim pending as of June 2019. It must be concluded that Petitioner did not pursue such claim or a claim would be pending.

There was no evidence provided by the Petitioner that his SSI application was still pending or that it had been denied, and he filed a request for a hearing or after being denied at the hearing level that he filed an appeal with the SSA Appeals Council. Given these facts, it is determined that the Department correctly denied the Petitioner's application for SDA because no current claim was pending with SSA, and correctly found that the Petitioner was no longer eligible to pursue SDA.

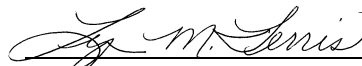
The Petitioner may reapply for SDA at any time.

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 December 11, 2018, application for SDA.

DECISION AND ORDER

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

LF/jaf



Lynn M. Ferris

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
(via electronic mail)

Linda Gooden
MDHHS-Oakland-6306-Hearings
BSC4
L Karadsheh

Petitioner
(via first class mail)

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