



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 30, 2019
MOAHR Docket No.: 19-007923
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 August 28, 2019 from Detroit, Michigan. Petitioner appeared and represented herself. The Department of Health and Human Services (Department) was represented by Maia Elvin-Fair, Assistance Payments Supervisor, and Victoria English, Assistance Payments Specialist.

ISSUE

Did the Department properly close Petitioner's State Disability Assistance (SDA) case, effective June 1, 2019?

Did Petitioner's hearing request present a hearable issue with respect to the processing of Petitioner's [REDACTED] 2019 application for SDA benefits?

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 an ongoing recipient of SDA benefits.
2. The disability criteria for SDA eligibility was met by virtue of the fact that Petitioner was receiving services from Michigan Rehabilitation Services (MRS).

3. Sometime in approximately the third quarter of 2018, Petitioner stopped receiving services from MRS. Petitioner did not notify the Department of the change in a timely manner.
4. On February 12, 2019, Petitioner was interviewed by the Department as part of the process to renew her SDA benefits. During that interview, Petitioner informed the Department that she was no longer receiving any services from MRS.
5. On March 13, 2019, the Department issued to Petitioner a Notice of Case Action informing Petitioner that her SDA case was closing, effective April 1, 2019.
6. On [REDACTED] 2019, Petitioner submitted to the Department a request for hearing objecting to the Department's action.
7. Because Petitioner's hearing request was within ten days of the Notice of Case Action, the Department left Petitioner's SDA case open pending the outcome of the hearing request.
8. A hearing was scheduled to be held on May 9, 2019. Petitioner failed to appear for the hearing.
9. On May 14, 2019, Administrative Law Judge Marya Nelson-Davis issued an order dismissing Petitioner's request for hearing due to Petitioner's failure to appear.
10. On May 15, 2019, the Department issued to Petitioner a Notice of Case Action informing Petitioner that her SDA case was closing, effective June 1, 2019.
11. On [REDACTED] 2019, Petitioner submitted to the Department an application for SDA benefits.
12. On June 6, 2019, Petitioner was interviewed by the Department regarding her application.
13. On June 18, 2019, the Department sent a packet of documents, including medical documents, to the Medical Review Team (MRT) to make a determination regarding Petitioner's assertion that she is disabled.
14. On [REDACTED] 2019, Petitioner submitted to the Department a request for hearing objecting to the Department's actions with respect to SDA benefits.

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.

To receive SDA, a person must be disabled, caring for a disabled person, or age 65 or older. BEM 261 (April 2017), p. 1. A person is disabled for SDA purposes if he or she has AIDS, is certified as unable to work for at least 90 days, resides in a qualified Special Living Arrangement facility, or receives other specified disability-related benefits or services, including those from MRS. BEM 261, p. 1. If a person receives services from MRS, that person meets the SDA disability criteria. BEM 261, p. 2.

Petitioner was an active recipient of SDA benefits from at least March 2018 through June 1, 2019. During that time period, Petitioner met the disability criteria for SDA eligibility by virtue of her receipt of services from MRS. Sometime in 2018, Petitioner stopped receiving services from MRS. However, Petitioner did not timely disclose that fact to the Department.

The June 1, 2019 closure was initiated because Petitioner disclosed to the Department during a renewal interview that she was no longer receiving services from MRS. The cessation of those services resulted in Petitioner no longer meeting the disability criteria for SDA eligibility.

The Department's action was correct and made pursuant to law and Department policy. Petitioner's eligibility for SDA benefits was dependent upon her receipt of services from MRS. Despite that fact, Petitioner stopped receiving services from MRS yet for months continued to receive SDA benefits because she failed to report that change to the Department. When the Department finally became aware of the change, it properly closed Petitioner's SDA case.

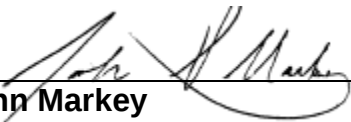
The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds that the Department acted in accordance with Department policy when it closed Petitioner's SDA case, effective June 1, 2019.

Petitioner also expressed disagreement with the Department's actions taken with respect to her [REDACTED], 2019 SDA application. However, as of the time of the hearing request, the Department had taken no action. Additionally, the Department's processing of Petitioner's application did not exceed any standards of promptness. Accordingly, Petitioner's hearing request did not give rise to a hearable issue with respect to the [REDACTED], 2019 application. During the hearing, it was disclosed that the Department ultimately found that Petitioner was not disabled and denied the June 1, 2019 application. However, as that action was taken after the hearing request, it cannot be addressed in this hearing. If Petitioner would like a hearing on that issue, Petitioner must file a timely hearing request challenging that action.

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-Washtenaw-Hearings
L. Karadsheh
BSC4- Hearing Decisions
MOAHR

Petitioner – Via First-Class Mail:

[REDACTED]
[REDACTED]
[REDACTED]