



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: December 18, 2019
MOAHR Docket No.: 19-012191
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 December 11, 2019 from Detroit, Michigan. Petitioner was represented his daughter and Authorized Hearing Representative (AHR), [REDACTED]. [REDACTED] The Department of Health and Human Services (Department) was represented by Silvester Williams, Assistance Payments Supervisor. During the hearing, a 13-page packet of documents was offered and admitted into evidence as Exhibit A, pp. 1-13.

ISSUE

Did the Department properly deny Petitioner's [REDACTED], 2019 application for State Disability Assistance (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. At all times relevant to the instant case, Petitioner lived in a household that included himself and his wife.
2. On [REDACTED] 2019, Petitioner submitted to the Department an application for SDA benefits. Petitioner indicated on the application that he lived alone. Petitioner also was asked on the application a number of questions concerning his alleged disability. In response to those questions, Petitioner indicated that nobody in the household was disabled and that nobody was applying for or even planning

to apply for disability benefits with the Social Security Administration. Exhibit A, pp. 8-13.

3. On [REDACTED], 2019, the Department issued to Petitioner a Notice of Case Action informing Petitioner that his application for SDA benefits was denied. In the comments section, the Department stated "Mr. [REDACTED]: Because you didn't state that you are Disabled and Applying for Social Security, your request for [REDACTED]'s Cash Assistance was denied. Thank you." Exhibit A, pp. 5-7.
4. On [REDACTED] 2019, Petitioner submitted to the Department a request for hearing objecting to the Department's denial of Petitioner's application for 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.

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 did not meet the program requirements for SDA eligibility. That conclusion was reached by reviewing Petitioner's application and finding that Petitioner conceded that he was not disabled and was not seeking disability benefits from the Social Security Administration.

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. 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. Generally, an interview is required before certifying eligibility

results; however, an interview is not required before denying assistance if it is clear from the application that the group is ineligible. BAM 115 (October 2019), pp. 19-20.

Petitioner's [REDACTED], 2019 SDA application included a section that asked questions relevant to Petitioner's eligibility for SDA benefits. Petitioner was asked "[i]s anyone in the household currently applying (or planning to apply) for disability benefits with the Social Security Administration (SSA)?" Petitioner answered "No." Petitioner was asked "[i]s anyone in the household receiving medical assistance based on disability or blindness?" Petitioner answered "No." Petitioner was asked "[d]oes anyone in your household have a disability or a physical/mental/emotional health condition?" Again, Petitioner answered "No."

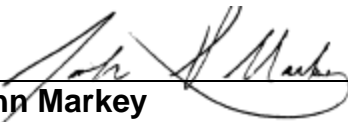
Given that SDA benefits are reserved for those who are disabled who are also pursuing all benefits that he or she is eligible for, Petitioner's answers on the application provided sufficient information for the Department to conclude that Petitioner was not eligible for the program. As a result, the Department properly issued the [REDACTED], 2019 Notice of Case Action informing Petitioner that his application was denied. Petitioner is free to reapply 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's [REDACTED], 2019 SDA application.

DECISION AND ORDER

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

JM/tm



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

DHHS

Linda Gooden
25620 W. 8 Mile Rd
Southfield, MI
48033

Petitioner

[REDACTED]
[REDACTED]
[REDACTED]

Authorized Hearing Rep.

[REDACTED]
[REDACTED]
[REDACTED]

cc: SDA: L. Karadsheh
Oakland County AP Specialist-4