



GRETCHEN WHITMER
GOVERNOR

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

ORLENE HAWKS
DIRECTOR

[REDACTED]

Date Mailed: January 7, 2020
MOAHR Docket No.: 19-012451
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Ellen McLemore

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 January 6, 2019, from Detroit, Michigan. Petitioner was present and represented herself. The Department of Health and Human Services (Department) was represented by Haysem Hosny, Hearings Coordinator.

ISSUE

Did the Department properly deny Petitioner's 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. On [REDACTED], 2019, Petitioner submitted an application for SDA benefits (Exhibit A, pp. 5-16).
2. On October 25, 2019, the Department sent Petitioner a Disability Determination Services (DDS) packet which included a DHS-3503-MRT, Medical Determination Verification Checklist; a DHS-49-F, Medical-Social Questionnaire; and a DHS-1555, Authorization to Release Protected Health Information. (Exhibit A, pp. 17-30).

3. On October 25, 2019, the Department sent Petitioner a Verification Checklist (VCL) requesting verification of her disability and residential address (Exhibit A, pp. 31-32).
4. On November 6, 2019, the Department sent Petitioner a Notice of Case Action informing her that her application for SDA benefits was denied (Exhibit A, pp. 34-38).
5. On November 12, 2019, Petitioner submitted a request for hearing disputing the Department's actions.

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 was submitted an application for SDA benefits on [REDACTED], 2019. The Department sent Petitioner a DDS packet, as well as a VCL requesting verification of her address. Proofs were due by November 4, 2019.

When a client claims a disability and/or blindness, the Department will send the individual a DHS-3503-MRT, Medical Determination Verification Checklist; a DHS-3975, Reimbursement Authorization; a DHS-49-F, Medical-Social Questionnaire; a DHS-1555, Authorization to Release Protected Health Information; and a DHS-1551, Notice to Apply. BAM 815 (April 2018), pp. 5-6. For SDA cases, the Department allows the client 10 calendar days (or other time limit specified in policy) to provide the verification that is required. BAM 130 (April 2017), p. 7. At application or medical review, if requested mandatory forms are not returned, DDS cannot make a determination on the severity of the disability. BAM 815, p. 2. The Department will deny the application or place an approved program into negative action for the failure to provide required verifications. BAM 815, p. 2.

The Department presented Petitioner's Electronic Case File (ECF). The ECF consists of scanned documents, arranged by category and identified by a client name, recipient ID or case number, established for a particular client group. BAM 300 (October 2016), p. 1. The ECF contains all forms, documents and other evidence to the group's current and past eligibility. BAM 300, p. 1. The ECF revealed Petitioner did not timely return the DDS packet. Therefore, the Department acted in accordance with policy when it denied Petitioner's SDA benefit application.

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 acted in accordance with Department policy when it denied Petitioner's SDA benefit application. Accordingly, the Department's decision is **AFFIRMED**.

EM/cg



Ellen McLemore

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-Macomb-36-Hearings
L. Karadsheh
BSC4- Hearing Decision
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Petitioner – Via First-Class Mail:

