



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: March 3, 2020  
MOAHR Docket No.: 20-000168  
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 February 3, 2020 from Detroit, Michigan. Petitioner appeared and was represented by [REDACTED]. Also appearing on behalf of Petitioner was witness [REDACTED]. The Department of Health and Human Services (Department) was represented by Markita Mobley, Hearings Facilitator. During the hearing, an 11-page packet of documents was offered and admitted as Exhibit A, pp. 1-11.

**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. Petitioner was an ongoing recipient of SSI benefits from the Social Security Administration (SSA). At some point, those benefits were stopped.
2. On [REDACTED] 2019, Petitioner submitted to the Department an application for SDA benefits. Exhibit A, p. 4.
3. On November 20, 2019, the Department issued to Petitioner a Medical Determination Verification Checklist requesting proofs regarding various eligibility-related factors. Petitioner was required to provide the requested proofs to the Department by December 2, 2019. Petitioner acknowledged that a Form 1552

was issued for Petitioner to fill out for the purposes of proving that an application or appeal was pending with the SSA. Exhibit A, pp. 6-7.

4. Petitioner did not return the completed Form 1552.
5. On December 17, 2019, the Department issued to Petitioner a Notice of Case Action informing Petitioner that her application for SDA benefits was denied due to Petitioner's failure to return a completed Form 1552. Exhibit A, p. 10.
6. On [REDACTED], 2020, Petitioner submitted to the Department a request for hearing objecting to 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 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 verify that she was pursuing 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, pp. 7-8.

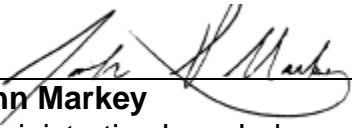
Petitioner was informed of the requirement to pursue benefits from the SSA via the November 20, 2019 Medical Determination Verification Checklist. While the specific Form 1552 was not included in the packet, Petitioner acknowledged during the hearing that she received it and did not diligently attempt to acquire the requested information. 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 take action to verify to the Department that she was pursuing benefits, 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/tlf

  
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**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-55-Hearings  
BSC4 Hearing Decisions  
L. Karadsheh  
MOAHR

**Petitioner – Via USPS:**

[REDACTED]  
[REDACTED]  
[REDACTED]

**Counsel for Petitioner – Via USPS:**

[REDACTED]  
[REDACTED]  
[REDACTED]