



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: May 14, 2020
MOAHR Docket No.: 20-001321
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 May 11, 2020, from Detroit, Michigan. Petitioner was present and represented himself. The Department of Health and Human Services (Department) was represented by Jahwana Dixon, Assistance Payments Supervisor.

ISSUE

Did the Department properly deny Petitioner's State Disability Assistance (SDA) application?

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 November 25, 2019, Petitioner submitted an application for SDA benefits (Exhibit A, pp. 6-15).
2. On December 5, 2019, the Department sent Petitioner a Disability Determination Services (DDS) packet which included 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 (Exhibit A, pp. 16-29).

3. On January 22, 2020, the Department sent Petitioner a Notice of Case Action informing him that his application for SDA benefits was denied for the failure to submit the requested verifications (Exhibit A, pp. 30-33).
4. On [REDACTED], 2020, 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 submitted an application for SDA benefits on [REDACTED], 2019. On December 5, 2019, the Department sent Petitioner a DDS packet. The documents were due to be returned by December 16, 2019.

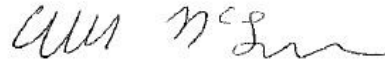
The Disability Determination Service (DDS) develops and reviews medical evidence for disability and/or blindness and certifies the client's medical eligibility for assistance. BAM 815 (January 2017), p. 1. At application or medical review if requested mandatory forms are not returned, the DDS cannot make a determination on the severity of the disability. BAM 815, p. 2. The Department will deny an application for SDA or place an approved program into negative action for failure to provide required verifications. BAM 815, p. 2. A required step in the determination of a disability is that the client must submit 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, pp. 4-5. These forms are mandatory. BAM 815, pp. 4-5.

Petitioner testified that he submitted the verifications on multiple occasions. Petitioner stated that he complied with all requests for information sent by the Department. The Department presented Petitioner's Electronic Case File (ECF) (Exhibit A, p. 34). 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 return the DDS packet. Therefore, the Department acted in accordance with policy when it denied Petitioner's SDA 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 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-Wayne-31-Hearings
L. Karadsheh
BSC4- Hearing Decisions
MOAHR

Petitioner – Via First-Class Mail:

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