



GRETCHEN WHITMER
GOVERNOR

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

ORLENE HAWKS
DIRECTOR

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██████████, MI ██████████

Date Mailed: July 8, 2020
MOAHR Docket No.: 20-003647
Agency No.: ██████████
Petitioner: ██████ ██████

ADMINISTRATIVE LAW JUDGE: Kevin Scully

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; 45 CFR 99.1 to 99.33; and 45 CFR 205.10. After due notice, telephone hearing was held on June 30, 2020, from Lansing, Michigan. Petitioner represented herself. The Department was represented by Haysem Hosney.

ISSUE

Did the Department of Health and Human Services (Department) properly determine Petitioner's eligibility 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 ██████████ 2020, the Department received Petitioner's application for cash assistance and claiming to be disabled.
2. On January 21, 2020, the Department received Petitioner's Medical-Social Questionnaire (DHS-49-F). Exhibit A, pp 11-16.
3. On February 24, 2020, the Department's Medical Review Team (MRT) rejected Petitioner's January 21, 2020, Medical-Social Questionnaire. Exhibit A, p 7.
4. On March 6, 2020, the Department received additional medical documentation, but it was not legible as received. Exhibit A, pp 37-42.
5. On March 12, 2020, the Department sent Petitioner another Medical Determination Verification Checklist (DHS-3503-MRT). Exhibit A, p 43.

6. The Department issued State Disability Assistance (SDA) benefits to Petitioner from February 1, 2020, through April 30, 2020. Exhibit A, p 6.
7. On March 16, 2020, the Department received Petitioner's request for a hearing. Exhibit A, pp 3-4.

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.

Clients have the right to contest a department decision affecting eligibility or benefit levels whenever it is believed that the decision is incorrect. The Department will provide an administrative hearing to review the decision and determine the appropriateness. The Michigan Administrative Hearing System (MAHS) may grant a hearing for any of the following:

- Denial of an application and/or supplemental payments.
- Reduction in the amount of program benefits or service.
- Suspension or termination of program benefits or service.
- Restrictions under which benefits, or services are provided.
- Delay of any action beyond standards of promptness.
- For FAP only, the current level of benefits or denial of expedited service.

Department of Human Services Bridges Administrative Manual (BAM) 600 (January 1, 2020), p 5.

The client or authorized hearing representative has 90 calendar days from the date of the written notice of case action to request a hearing. The request must be received anywhere in DHS within the 90 days. Department of Human Services Bridges Administrative Manual (BAM) 600 (January 1, 2020), pp 6-7.

The Department must certify program approval or denial of the SDA application within 45 days. Department of Health and Human Services Bridges Administrative Manual (BAM) 115 (July 1, 2020), p 16.

On [REDACTED] [REDACTED] 2020, the Department received Petitioner's application for cash assistance and claiming to be disabled. On March 16, 2020, the Department received Petitioner's request for a hearing. The evidence presented on the record establishes that Petitioner was not granted SDA benefits for January of 2020, and no evidence was presented that benefits were denied in January of 2020. The [REDACTED] [REDACTED] 2020, application was not certified within the Department's standard of promptness, and no benefits were issued for the application month. Since Petitioner filed a timely request for a hearing, Petitioner is entitled to an administrative hearing protesting her eligibility for SDA benefits.

The Department granted SDA benefits from February 1, 2020, through April 30, 2020, after temporarily deferring an MRT / DDS determination due to the COVID-19 pandemic.

However, this Administrative Law Judge finds that the Department failed to establish that Petitioner was not eligible for SDA benefits as of [REDACTED] [REDACTED] 2020, when the Department received her assistance application.

The Department did not dispute that SDA benefits closed effective April 30, 2020 but failed to establish that Petitioner was given written notice of the benefit closure. Therefore, Petitioner is entitled to a hearing protesting the closure of SDA benefits.

The evidence supports a finding that Petitioner's medical documentation was rejected by the MRT / DDS, due to incomplete contact information of her medical service providers, and due to a Department time/date stamp on her authorization to release protected health information.

The Department will send a negative action when the client indicates refusal to provide a verification, or the time period given has elapsed and the client has not made a reasonable effort to provide it. Department of Health and Human Services Bridges Administrative Manual (BAM) 130 (April 1, 2017), p 7.

This Administrative Law Judge finds that Petitioner did not refuse to provide the Department with the requested documents, she made a reasonable attempt to provide the Department with documentation necessary to determine her eligibility for SDA benefits, and the MRT / DDS failed to make a determination of Petitioner's ability to perform work based on her physical or mental impairments.

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 did not act in accordance with Department policy when it determined Petitioner's eligibility for State Disability Assistance (SDA) benefits based on her [REDACTED] [REDACTED] 2020, application.


DECISION AND ORDER

Accordingly, the Department's decision is REVERSED.

THE DEPARTMENT IS ORDERED TO BEGIN DOING THE FOLLOWING, IN ACCORDANCE WITH DEPARTMENT POLICY AND CONSISTENT WITH THIS HEARING DECISION, WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. Initiate a determination of the Petitioner's eligibility for State Disability Assistance (SDA) benefits effective [REDACTED] 2020, which is the date her assistance application was received by the Department.
2. Send Petitioner another Medical Determination Verification Checklist (DHS-3503-MRT) so that her case can be sent to the Medical Review Team with current documentation.
3. Provide the Petitioner with written notice describing the Department's revised eligibility determination.
4. Issue the Petitioner any retroactive benefits she may be eligible to receive, if any.

KS/nr



Kevin Scully
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

Dawn Tromontine
41227 Mound Rd.
Sterling Heights, MI
48314

Macomb 36 County DHHS- via electronic
mail

BSC4- via electronic mail

L. Brewer-Walraven- via electronic mail

Petitioner

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