



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], MI
[REDACTED]

Date Mailed: August 19, 2020
MOAHR Docket No.: 20-003745
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Carmen G. Fahie

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 July 22, 2020, from Lansing, Michigan. The Petitioner was represented by herself. The Department of Health and Human Services (Department) was represented by Zashuna Robinson, Assistance Payments Supervisor.

ISSUE

Did the Department properly determine that Petitioner was no longer eligible for State Disability Assistance (SDA) due to the denial of her final Social Security appeal?

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 a recipient of SDA benefits with a medical review due.
2. On February 3, 2020, the Disability Determination Service (DDS) determined that Petitioner's SDA medical review should be denied because of an August 14, 2019, final and binding decision by SSA finding that Petitioner was not disabled. Department Exhibit 1, pg. 20.
3. On March 24, 2020, the Department Caseworker sent Petitioner a Notice of Case Action, DHS-1605, that Petitioner's SDA case was closed effective May 1, 2020 due to Petitioner no longer being eligible for SDA benefits. Department Exhibit 1, pgs. 6-10.

4. On March 25, 2020, the Department Caseworker sent Petitioner a Quick Note, DHS-100, that stated her SDA benefits were denied due to the Social Security Administration (SSA) Appeals Council determination that she was not disabled, which supersedes the Department's approval of SDA. In addition, she does not have an application or appeal pending with SSA, which is required for SDA eligibility. Department Exhibit 1, pg. 11.
5. On April 2, 2020, the Department received a hearing request from Petitioner, contesting the Department's negative action.

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 a recipient of SDA benefits with a medical review due. On February 3, 2020, the Disability Determination Service (DDS) determined that Petitioner's SDA medical review should be denied because of an August 14, 2019, final and binding decision by SSA finding that Petitioner was not disabled. Department Exhibit 1, pg. 20. On March 24, 2020, the Department Caseworker sent Petitioner a Notice of Case Action, DHS-1605, that Petitioner's SDA case was closed effective May 1, 2020, due to Petitioner no longer being eligible for SDA benefits. Department Exhibit 1, pgs. 6-10.

On March 25, 2020, the Department Caseworker sent Petitioner a Quick Note, DHS-100, that stated her SDA benefits were denied due to the Social Security Administration (SSA) Appeals Council determination that she was not disabled, which supersedes the Department's approval of SDA. In addition, she does not have an application or appeal pending with SSA, which is required for SDA eligibility. Department Exhibit 1, pg. 11. On April 2, 2020, the Department received a hearing request from Petitioner, contesting the Department's negative action. BAM 600 and 815.

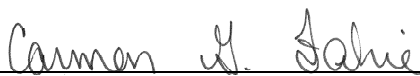
This is a case in which the SSA has denied the SSI claim in the past 12 months at the Appeal's Council, which is the final step. Since the allegations are the same, the Social Security Appeals Decision has precedence and is required to be used as the basis for this decision. Therefore, Petitioner's SDA case is denied, and no further analysis is required.

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 determined that the Petitioner was not eligible for SDA benefits because she did not have an application or appeal pending with SSA.

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

CF/hb



Carmen G. Fahie
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

Berrien County via electronic mail

BSC3 via electronic mail

L. Karadsheh via electronic mail

Petitioner

[REDACTED]
[REDACTED]
[REDACTED], MI [REDACTED]