



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: November 4, 2020
MOAHR Docket No.: 20-005809
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Zainab A. Baydoun

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 October 12, 2020, from Detroit, Michigan. Petitioner appeared for the hearing with her daughter [REDACTED] and represented herself. The Department of Health and Human Services (Department) was represented by William Andrews, Eligibility Specialist.

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], 2020, Petitioner submitted an application for SDA benefits.
2. On August 12, 2020, the Department sent Petitioner a Notice of Case Action advising her that her application for cash assistance under the SDA program was denied because she is not a US citizen or eligible alien. (Exhibit A, pp. 3 – 6)
3. Petitioner entered the United States on December 26, 2009 and through the naturalization process, obtained US citizenship on July 29, 2019. (Exhibit A, p. 21)
4. On August 24, 2020, Petitioner requested a hearing disputing the Department's denial of her SDA application.

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.

To receive SDA, a person must be disabled, caring for a disabled person, or age 65 or older. BEM 261 (April 2017), p. 1. SDA eligibility requires that a person be a US citizen or have an acceptable alien status. BEM 225 (October 2019), p. 1. The acceptable alien status criteria for SDA is found in BEM 225 at pp. 7-10.

At the hearing, the Department testified that based on information it had in Bridges with respect to Petitioner's alien status, it determined that she was not a US citizen and did not meet the alien status requirements to receive SDA benefits. The Department conceded however, that the information in the Bridges system had not been updated since July 2012. The Department further conceded that on her SDA application, Petitioner asserted that she was a US citizen. The evidence established that Petitioner who at the time of application was [REDACTED] years old, entered the United States on December 26, 2009 and through the naturalization process, obtained US citizenship on July 29, 2019. (Exhibit A, p. 21). Therefore, Petitioner met the citizenship requirement for the SDA program.

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 denied Petitioner's SDA 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. Register and process Petitioner's [REDACTED], 2020 SDA application;
2. Provide Petitioner with SDA benefits from [REDACTED], 2020, ongoing, if otherwise eligible, in accordance with Department policy; and

3. Notify Petitioner in writing of its decision.

ZB/cc



Zainab A. Baydoun
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-Oakland-DistrictII-Hearings
BSC4-HearingDecisions
L. Karadsheh
MOAHR

Petitioner- Via Email:

