



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 24, 2021
MOAHR Docket No.: 20-006996
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Lynn M. Ferris

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 three-way telephone hearing was held on March 17, 2021, from Bloomfield Hills, Michigan. The Petitioner was represented by himself. The Department of Health and Human Services (Department) was represented by Michelle Collins, Eligibility Specialist/Hearing Coordinator.

ISSUE

Did the Department properly process and reprocess the Petitioner's Application for State Disability Assistance (SDA)?

FINDINGS OF FACT

The Administrative Law Judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:

1. The Petitioner applied for SDA on [REDACTED], 2020.
2. The Department sent the Petitioner medical packet documents and verifications dated September 18, 2020, due September 28, 2020, to be timely completed by the Petitioner in support of the SDA application.
3. On October 12, 2020, the Department sent a Notice of Case Action which denied the [REDACTED] 2020 SDA application due to failure to return verifications. Exhibit A, p. 7.

4. When Petitioner's hearing request was received, a file review was made and the Department determined that the SDA application was denied in error due to the Medical Examination Report not being included in the original verification sent to Petitioner on September 18, 2020. The Department reinstated the Petitioner's [REDACTED] 2020 SDA application on [REDACTED] 2020 and resent the medical packet and verifications to Petitioner for completion. Exhibit A, pp. 23-24.
5. On [REDACTED] 2020, the Petitioner requested a timely hearing protesting the denial of the 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.

SDA is a cash assistance program. To receive SDA, a person must be disabled, caring for a disabled person, or age 65 or older.

A person is disabled for SDA purposes if he or she meets any of the following criteria:

- Receives other specified disability-related benefits or services; see Other Benefits or Services in this item.
- Resides in a qualified Special Living Arrangement (SLA) facility.
- Is certified as unable to work due to mental or physical disability for at least 90 days from the onset of the disability.
- Is diagnosed as having Acquired Immunodeficiency Syndrome (AIDS). BEM 261 (April 2017), pp. 1 and 2.

In this case, the Petitioner filed his original documents and medical packet on time with the Department, but the packet which was returned did not have some of the required forms because they were never sent to the Petitioner due to an error by the Department. Once a hearing request was received by the Department the Department

and the error discovered, the Department reinstated the [REDACTED] 2020 SDA application and resent the Medical Forms Packet and verifications to Petitioner. Once the packet was resent and the case reinstated, there was no further issue regarding the processing error, and the hearing request regarding the denial of the Petitioner's SDA application was resolved at that time. Therefore, the Department correctly processed the Petitioner's case and application by recognizing its original error in denying the application and reinstated the SDA application back to its original filing date so the Petitioner's SDA coverage would not be prejudiced if approved.

The Department has a responsibility to correctly determine eligibility for all applications. BAM105 (July 2020), p.19. In this case in accordance with BAM 205, the Department properly reinstated the application to pending status because it was closed in error. BAM 205 (January 2021), p. 1.

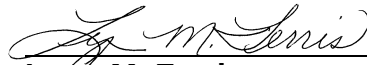
The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds that the Department acted in accordance with Department policy when it reprocessed and reinstated the Petitioner's [REDACTED] 2020 SDA application.

DECISION AND ORDER

Accordingly, the Department's decision is

AFFIRMED.

LF/tm



Lynn M. Ferris
Administrative Law Judge
for Elizabeth Hertel, 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
L. Karadsheh
BSC4
MOAHR

Petitioner – Via First-Class Mail:

[REDACTED]
[REDACTED]
[REDACTED]