



GRETCHEN WHITMER
GOVERNOR

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

ORLENE HAWKS
DIRECTOR

[REDACTED]
[REDACTED], MI [REDACTED]

Date Mailed: January 29, 2021
MOAHR Docket No.: 20-007338
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 January 20, 2021, from Lansing, Michigan. The Petitioner was represented by himself. The Department of Health and Human Services (Department) was represented by Deshauna Robertson, Assisted Payments Supervisor.

ISSUE

Did the Department properly deny 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. On [REDACTED] 2020, Petitioner applied for SDA benefits. Department Exhibit B, pgs. 1-5.
2. On September 24, 2020, Petitioner's SDA packet was emailed to the Disability Determination Services (DDS) to determine Petitioner's eligibility for SDA. Department Exhibit F, pgs. 1-10.
3. On October 9, 2020, the DDS denied Petitioner's SDA application because Petitioner did not have a federal claim pending with Social Security Administration (SSA). Department Exhibit G, pgs. 1-3.
4. On October 13, 2020, the SSA returned the Verification of Application or Appeal for SSI/RSDI that confirmed Petitioner's SSA application had been denied on January

- 13, 2020 with no pending appeal or new application submitted. Department Exhibit H, pgs. 1-2.
5. On October 15, 2020, the Department Caseworker sent Petitioner a Notice of Case Action, DHS-1605, that he was denied SDA benefits due to Petitioner failing to pursue other potential benefits as required to be eligible for SDA benefits. Department Exhibit I, pgs. 1-5.
 6. On November 9, 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 applied for SDA benefits on [REDACTED], 2020. Department Exhibit B, pgs. 1-5. On September 24, 2020, Petitioner's SDA packet was emailed to the Disability Determination Services (DDS) to determine Petitioner's eligibility for SDA. Department Exhibit F, pgs. 1-10. On October 9, 2020, the DDS denied Petitioner's SDA application because Petitioner did not have a federal claim pending with Social Security Administration (SSA). Department Exhibit G, pgs. 1-3.

On October 13, 2020, the SSA returned the Verification of Application or Appeal for SSI/RSDI that confirmed Petitioner's SSA application had been denied on January 13, 2020, with no pending appeal or new application submitted. Department Exhibit H, pgs. 1-2. On October 15, 2020, the Department Caseworker sent Petitioner a Notice of Case Action, DHS-1605, that he was denied SDA benefits due to Petitioner failing to pursue other potential benefits as required to be eligible for SDA benefits. Department Exhibit I, pgs. 1-5. On November 9, 2020, the Department received a hearing request from Petitioner, contesting the Department's negative action. Department Exhibit 1, pgs. 1-39.

The Department stated that the SSA did not receive an appeal from Petitioner until December 11, 2020, which was pending with the SSA Appeals Council effective December 15, 2020. At the time that the Department denied Petitioner's SDA application on October 15, 2020, he did not have a new application or pending appeal with the SSA as required to be eligible for SDA.

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 because he did not have a new application or pending appeal with SSA as is required by Department policy in order to be eligible for SDA benefits.

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]