



GRETCHEN WHITMER
GOVERNOR

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

ORLENE HAWKS
DIRECTOR

[REDACTED]
MI [REDACTED]

Date Mailed: May 20, 2020
MOAHR Docket No.: 20-001751
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Janice Spodarek

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 May 19, 2020. Petitioner was represented by [REDACTED] non-attorney. The Department of Health and Human Services (Department), was represented by Mrs. Broaden, ES Worker.

Department Exhibit A.25 was admitted into the record.

ISSUE

Did the Department properly deny Petitioner's State Disability Assistance (SDA) application?

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 cash assistance with the Michigan Department of Health and Human Services, (MDHS).
2. On February 4, 2020, Social Security Administrative (SSA) sent to the Michigan DHHS a Verification of Application or Appeal for SSI/RSDI (DHS 1551) form indicating that Petitioner had not applied for SSI. Exhibit A.17-18.
3. On [REDACTED] 2020, Petitioner applied for SSI with the SSA.
4. On January 19, 2020, Petitioner uploaded a copy of her SSI application verification into the Department's My Bridges data base verifying proof of an SSI application on [REDACTED] 2020.

5. On February 23, 2020, the Department denied Petitioner's SDA application on the grounds that Petitioner failed to apply for SSI. Exhibit A.19.

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 Medical Assistance (MA) program is established by Title XIX of the Social Security Act, 42 USC 1396-1396w-5; 42 USC 1315; the Affordable Care Act of 2010, the collective term for the Patient Protection and Affordable Care Act, Pub. L. No. 111-148, as amended by the Health Care and Education Reconciliation Act of 2010, Pub. L. No. 111-152; and 42 CFR 430.10-.25. The Department (formerly known as the Department of Human Services) administers the MA program pursuant to 42 CFR 435, MCL 400.10, and MCL 400.105-.112k.

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.

Specific policy regarding disability applications are found primarily in BEM 260 and 261, and, corresponding verification policy and procedures found in BAM.

In this case, Petitioner applied for SDA on [REDACTED] 2020. Petitioner was informed that she needed to submit verification of having applied for SSI by having SSA completed a DHS 1552. SSA completed the form and sent it to DHHS indicating that as of February 4, 2020, Petitioner had not applied for SSI.

Unrefuted evidence is that on January 19, 2020 Petitioner uploaded verification from the SSA that she applied for SSI on [REDACTED], 2020.

On February 24, 2020, the Department denied Petitioner's application for failing to verify that Petitioner had applied for SSI with the SSA.

The Department did not dispute the credibility of the SSA verification uploaded into the DHHS data base on January 19, 2020. Thus, the February 4, 2020, SSA verification form from SSA was not correct, as it contained incorrect information. This fact is not disputed.

Under these facts, unrefuted evidence is that Petitioner applied for SSI with the SSA before the due date, Petitioner verified that information before the due date, and the Department had verification in its data base prior to denying Petitioner's application that in fact Petitioner had complied with the Department's verification request pursuant to

her SDA application. As such, the Department's denial is not supported by the evidence of record and must be reversed.

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

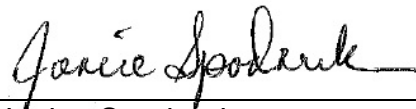
Accordingly, the Department's decision is **REVERSED**.

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. Reinstate Petitioner's [REDACTED] 2020, SDA application, and
2. Continue to process Petitioner's SDA disability application in accordance with DHHS policy and procedure.

IT IS SO ORDERED.

JS/ml



Janice Spodarek
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

Macomb (District 20) DHHS – Via
Electronic Mail

L. Karadsheh – Via Electronic Mail

Authorized Hearing Rep.

[REDACTED] – Via First Class Mail
[REDACTED] MI [REDACTED]

Petitioner

[REDACTED] – Via First Class Mail
[REDACTED] MI [REDACTED]