



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 48205

Date Mailed: April 28, 2021  
MOAHR Docket No.: 20-003457  
Agency No.: [REDACTED]  
Petitioner: [REDACTED]

**ADMINISTRATIVE LAW JUDGE: Colleen Lack**

### **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; 42 CFR 431.200 to 431.250. After due notice, a telephone hearing was held on February 9, 2021. Participants on behalf of Petitioner included the Petitioner, [REDACTED]. Participants on behalf of the Department of Health and Human Services (Department) included Renee Jones, Eligibility Specialist, and Karina Littles, Eligibility Supervisor.

During the hearing proceeding, the Department's Hearing Summary packet was admitted as marked, Exhibit A, pp. 1-1173. The hearing record was left open for the Department to provide the missing pages from Exhibit A, additional medical records, and a State On-Line Query (SOLQ) report. The Department submitted an SOLQ Report, which has been admitted as Exhibit B, pp. 1-3.

### **ISSUE**

Did the Department properly determined that Petitioner was not disabled for purposes of the Medical Assistance (MA) and/or State Disability Assistance (SDA) benefit programs?

### **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] 2019, Petitioner applied for SDA and reported that he was disabled. (Exhibit A, p. 1)
2. On March 6, 2020, the Medical Review Team/Disability Determination Services (MRT/DDS) found Petitioner not disabled. (Exhibit A, pp. 9-15)

3. On March 10, 2020, a Notice of Case Action was issued informing Petitioner that SDA was denied. (Exhibit A, pp. 6-7)
4. On March 25, 2020, the Department received Petitioner's timely written request for hearing. (Exhibit A, pp. 4-5)
5. Petitioner alleged disabling impairments including: stroke, seizures, depression, and anxiety. (Petitioner Testimony)
6. At the time of hearing, Petitioner was [REDACTED] years old with a [REDACTED] 1969, birth date; was [REDACTED]" in height; and weighed [REDACTED] pounds. (Petitioner Testimony)
7. Petitioner completed the 11<sup>th</sup> grade and has worked as a machine operator and stocker. (Petitioner Testimony)
8. Petitioner's impairments have lasted, or are expected to last, continuously for a period of 90 days or longer.
9. The Social Security Administration has determined that Petitioner is disabled with a disability onset date of July 4, 2019. (Exhibit B, pp. 1-3)

### **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), and Department of Health and Human Services Reference Tables Manual (RFT).

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, which provides financial assistance for disabled persons, was established by 2004 PA 344. The Department administers the SDA program pursuant to 42 CFR 435, MCL 400.10 *et seq.* and Mich Admin Code, Rules 400.3151 – 400.3180. A person is considered disabled for SDA purposes if the person has a physical or mental impairment which meets federal Supplemental Security Income (SSI) disability standards for at least ninety days. Receipt of SSI benefits based on disability or blindness, or the receipt of MA benefits based on disability or blindness, automatically qualifies an individual as disabled for purposes of the SDA program.

In this case, the Department has submitted a SOLQ report documenting that the Social Security Administration has determined that Petitioner is disabled with a disability onset

date of July 4, 2019. (Exhibit B, pp. 1-3) Therefore, Petitioner must also be found disabled 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 Petitioner disabled for purposes of the MA and/or the SDA benefit program.

**DECISION AND ORDER**

Accordingly, the Department's determination is REVERSED.

THE DEPARTMENT IS ORDERED TO INITIATE THE FOLLOWING, IN ACCORDANCE WITH DEPARTMENT POLICY AND CONSISTENT WITH THIS HEARING DECISION, WITHIN 10 DAYS OF THE DATE THE ORDER WAS ISSUED:

1. Initiate a review of the application dated [REDACTED] 2019, for SDA, if not done previously, to determine Petitioner's non-medical eligibility. The Department shall inform Petitioner of the determination in writing.

CL/ml



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Colleen Lack  
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

**DHHS**

Dora Allen  
Wayne (Dist 76) County DHHS – via  
electronic mail

BSC4 – via electronic mail

L. Karadsheh – via electronic mail

**Petitioner**

██████████ – via first class mail  
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██████ MI ██████