



GRETCHEN WHITMER
GOVERNOR

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

ORLENE HAWKS
DIRECTOR

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Date Mailed: July 9, 2020
MOAHR Docket No.: 20-003468
Agency No.: ██████████
Petitioner: ██████████

ADMINISTRATIVE LAW JUDGE: Ellen McLemore

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 telephone, from Detroit, Michigan. Petitioner was present and represented himself. Also present with Petitioner was ██████████ who was an observer only. The Department of Health and Human Services (Department) was not present and the hearing proceeded in their absence.

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 ██████████ 2020, Petitioner submitted an application for SDA benefits.
2. On January 27, 2020, the Department sent Petitioner a Disability Determination Services (DDS) packet which included a DHS-3503-MRT, Medical Determination Verification Checklist; a DHS-3975, Reimbursement Authorization; a DHS-49-F, Medical-Social Questionnaire; a DHS-1555, Authorization to Release Protected Health Information; and a DHS-1551, Notice to Apply.

3. On March 3, 2020, the Department sent Petitioner a Notice of Case Action informing him that his application for SDA benefits was denied for the failure to submit the requested verifications.
4. On March 12, 2020, Petitioner submitted a request for hearing disputing the Department's actions.

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 submitted an application for SDA benefits on [REDACTED], 2020. On January 27, 2020, the Department sent Petitioner a DDS packet. The documents were due to be returned by February 20, 2020.

The Disability Determination Service (DDS) develops and reviews medical evidence for disability and/or blindness and certifies the client's medical eligibility for assistance. BAM 815 (January 2017), p. 1. At application or medical review if requested mandatory forms are not returned, the DDS cannot make a determination on the severity of the disability. BAM 815, p. 2. The Department will deny an application for SDA or place an approved program into negative action for failure to provide required verifications. BAM 815, p. 2. A required step in the determination of a disability is that the client must submit a DHS-3975, Reimbursement Authorization; a DHS-49-F, Medical-Social Questionnaire; a DHS-1555, Authorization to Release Protected Health Information; and a DHS-1551, Notice to Apply. BAM 815, pp. 4-5. These forms are mandatory. BAM 815, pp. 4-5.

The Department was not present at the hearing to present evidence. Per the Hearing Summary provided by the Department prior to the hearing, Petitioner failed to complete some of the documents in the DDS packet. At the hearing, Petitioner testified that he returned and completed all requests for verification that were sent to him by the Department. Based on the evidence presented, the Department failed to establish that it acted in accordance with policy when it denied Petitioner's SDA application.

DECISION AND ORDER

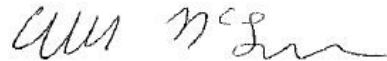
The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds that the Department failed to satisfy its burden of showing that it acted in accordance with Department policy when it denied Petitioner's SDA application.

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 and reprocess Petitioner's [REDACTED], 2020 application for SDA benefits;
2. If Petitioner is eligible for SDA benefits, issue supplements he is entitled to receive; and
3. Notify Petitioner of its decision in writing.

EM/tm



Ellen McLemore

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

Keisha Koger-Roper
12140 Joseph Campau
Hamtramck, MI
48212

Petitioner

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

cc: SDA: L. Karadsheh
AP Specialist-Wayne County