



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: October 1, 2020
MOAHR Docket No.: 20-005105
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 September 2, 2020, from Lansing, Michigan. Petitioner was represented by herself and Sabrina Smith, clinical therapist from Community Mental Health (CMH) of Sanilac County. The Department of Health and Human Services (Department) was represented by Andrea Edwards, Eligibility Specialist.

ISSUE

Did the Department properly close Petitioner's State Disability Assistance (SDA) case?

FINDINGS OF FACT

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

1. Petitioner is a recipient of SDA benefits with a medical review required June 1, 2020. Department Exhibit 1, pgs. 6-23.
2. On May 18, 2020, the Department Caseworker spoke with a representative of the Social Security Administration (SSA) to verify that an unfavorable decision had been made on April 23, 2020, where there were no other appeals to be made through the SSA system. Department Exhibit 1, pg. 24.
3. On May 19, 2020, the Department Caseworker sent Petitioner a Notice of Case Action, DHS-1605, that stated her SDA case was closed effective July 1, 2020,

due to failure to pursue benefits due unfavorable SSA decision is final for SSI. Department Exhibit 1, pgs. 25-29.

4. On June 29, 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 is a recipient of SDA benefits with a medical review required June 1, 2020. Department Exhibit 1, pgs. 6-23. On May 18, 2020, the Department Caseworker spoke with a representative of the Social Security Administration (SSA) to verify that an unfavorable decision had been made on April 23, 2020, where there were no other appeals to be made through the SSA system. Department Exhibit 1, pg. 24. On May 19, 2020, the Department Caseworker sent Petitioner a Notice of Case Action, DHS-1605, that stated her SDA case was closed effective July 1, 2020 due to failure to pursue benefits due unfavorable SSA decision is final for SSI. Department Exhibit 1, pgs. 25-29. On June 29, 2020, the Department received a hearing request from the Petitioner, contesting the Department's negative action. BEM 271.

During the hearing, the Department established that Petitioner filed a new application for SSA SSI benefits on June 5, 2020, with a record established through the SOLQ on June 12, 2020. Petitioner's redetermination was due on June 1, 2020. The Department sent her a notice on May 19, 2020, that her SDA case would close on July 1, 2020, because she did not have a pending application or appeal with SSA, but she did file a new application with SSA in June 2020. As a result, the Department should have continued her SDA benefits because she met the criteria. In addition, the Department should have redetermined her eligibility for SDA through her medical review.

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 did not act in accordance with Department policy when it closed the Petitioner's SDA case effective July 1, 2020, because she did not have a pending application or appeal with

SSA when she filed a new SSI application on June 5, 2020, which made her eligible for continued SDA with a medical review.

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. Initiate a redetermination of Petitioner's eligibility for SDA retroactive to July 2020, by sending out a new Verification Checklist, DHS-3503 for medical review. Her SDA benefits should continue retroactive to July 2020 if she is eligible until a medical review determination is made by the Medical Review Team.
2. Based on policy, the Department should provide Petitioner with written notification of the Department's revised eligibility determination.
3. Issue Petitioner any retroactive benefits she may be eligible to receive, if any.

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

Sanilac County, DHHS

BSC2 via electronic mail

L. Karadsheh via electronic mail

Petitioner

[REDACTED]
[REDACTED] MI [REDACTED]