



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 [REDACTED]

Date Mailed: October 6, 2020
MOAHR Docket No.: 20-005281
Agency No.: [REDACTED]
Petitioner: [REDACTED] [REDACTED]

ADMINISTRATIVE LAW JUDGE: Aaron McClintic

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 September 8, 2020, from Lansing, Michigan. The Petitioner was represented by herself. The Department of Health and Human Services (Department) was represented by Stacy Kuku-Johnson Eligibility Specialist. Department Exhibit 1, pp. 1- 52 was received and admitted.

ISSUE

Whether the Department properly determined that Petitioner was no longer eligible for the State Disability Assistance (SDA) program?

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 was a recipient of SDA.
2. On May 2, 2020, a redetermination was submitted by Petitioner.
3. On June 23, 2020, Notice of Case Action was sent to Petitioner informing her that her SDA was closing because she did not have a pending application or appeal with the Social Security Administration.
4. On July 31, 2020, Petitioner requested hearing disputing the closure of SDA.
5. Petitioner testified at hearing that she believed that she had a pending appeal with the Social Security Administration but that she had not heard from them in three years. Petitioner testified that she had attempted to contact the Social Security Administration but was unable to reach them.

6. The Department provided documentation confirming that Petitioner did not have a pending appeal with the Social Security Administration. (Ex.1, p.38)

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 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.

SDA and MA

At program application or request for disability deferral, clients must apply for or appeal benefits through the SSA if claiming disability and/or blindness. This is a condition of program eligibility; see BEM 270, Pursuit of Benefits. BAM 815

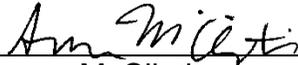
In this case, Petitioner stated that she had not heard from the Social Security Administration for approximately three years and that she believed she had an appeal that was pending regarding disability. Petitioner provided no proof that she had a pending appeal with the Social Security Administration. The Department provided proof that Petitioner did not have an appeal with the Social Security Administration. (Ex. 1, p. 38) Department policy requires that recipients of SDA have a pending application or appeal with the Social Security Administration, therefore the closure of SDA for failing to have a pending application or appeal for disability benefits, at time of redetermination, is proper and correct and consistent with Department policy. BAM 815

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 was correct Petitioner's SDA case because she did not have a pending application or appeal with the Social Security Administration seeking disability benefits, at the time of redetermination.

DECISION AND ORDER

Accordingly, the Department's determination is AFFIRMED.

AM/nr



Aaron McClintic
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

Rolando Gomez
1365 Cleaver Road
Caro, MI
48723

Tuscola County DHHS- via electronic mail

BSC2- via electronic mail

L. Brewer- Walraven- via electronic mail

Petitioner

[REDACTED] - via first class mail
[REDACTED]
[REDACTED], MI
[REDACTED]