



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: June 9, 2021
MOAHR Docket No.: 21-002089
Agency No.: [REDACTED]
Petitioner: [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; 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 May 26, 2021, from Lansing, Michigan. The Petitioner was represented by himself. The Department of Health and Human Services (Department) was represented by Veda Smith, Eligibility Specialist. Ryan Clemons FIM also appeared for the Department. Department Exhibit 1, pp. 1-36 was received and admitted.

ISSUE

Did the Department properly deny Petitioner's State Disability Assistance (SDA) application for failing to provide completed verifications?

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] [REDACTED] [REDACTED] Petitioner applied for SDA.
2. On March 30, 2021, a verification checklist and disability determination documents were sent to Petitioner with an April 9, 2021 due date.
3. On April 6, 2021, documents were received from Petitioner including a 54-A Medical Needs form that was not completed and signed by a physician or other medical professional. (Ex. 1, pp. 30-32)
4. On April 16, 2021, Notice of Case Action was sent to Petitioner informing him that his SDA application was denied for failing to return completed documents needed to determine eligibility for the SDA. (Ex. 1, pp. 33-36)

5. On [REDACTED] [REDACTED] [REDACTED] Petitioner requested hearing disputing the denial of SDA.

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.

VERIFICATION REQUIREMENTS

Verify the disability or the need for a caretaker at application, rede-termination, when required by the DDS, or as needed when the client's circumstances change. Verify age only if the client's statement is inadequate or inconsistent.

Verify participation in substance abuse treatment at each medical review.

If the client's circumstances change so that the verification method used to establish eligibility is no longer valid, obtain new verification following policy in BAM 130. (For example, a client no longer participating in Special Education may now have to provide medical evidence.) Do **not** immediately send a negative action notice for case closure. First request verification according to policy in BAM 130. BEM 261

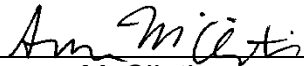
In this case, Petitioner submitted the Medical Needs form prior to the deadline but it was not completed and signed by a doctor or other health professional as required. The form clearly instructed to have it completed by a doctor or other health care professional. (Ex. 1, pp. 30-32) Petitioner testified that someone told him to fill it out himself and could not explain why he did not follow the instructions on the form. The information on the Medical Needs form is needed to complete disability determination and the Department's denial for failing to provide completed documentation was proper and correct and consistent with Department policy. BEM 261

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 acted in accordance with Department policy when it denied Petitioner's SDA application for failing to return completed verifications needed to determine eligibility.

DECISION AND ORDER

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

AM/nr



Aaron McClintic
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

Courtney Jenkins
22 Center Street
Ypsilanti, MI 48198

Washtenaw County DHHS- via electronic
mail

BSC4- via electronic mail

L. Brewer-Walraven- via electronic mail

Petitioner

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