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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 2, 2021  
MOAHR Docket No.: 21-002253  
Agency No.: [REDACTED]  
Petitioner: [REDACTED]

**ADMINISTRATIVE LAW JUDGE: Alice C. Elkin**

### **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 hearing was held via telephone conference on June 16, 2021. Petitioner appeared and represented herself. The Department of Health and Human Services (Department) was represented by Cristina Alger, Assistance Payment Supervisor.

### **ISSUE**

Did the Department properly process 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 was an ongoing recipient of SDA benefits.
2. On March 4, 2021, the Department sent Petitioner a redetermination form, MDHHS-1010, which Petitioner was required to complete and return by March 24, 2021 so that the Department could review her SDA case and determine her ongoing eligibility for SDA benefits (Exhibit A, pp. 7-11, 17-23).
3. Petitioner received text messages notifying her that she was required to complete and submit the redetermination.
4. On April 19, 2021, the Department sent Petitioner a Notice of Case Action notifying her that her SDA case would close effective May 1, 2021 because she had not returned a completed redetermination (Exhibit A, pp. (Exhibit A, pp. 12-16).

5. On April 20, 2021, the Department received Petitioner's completed redetermination through MiBridges (Exhibit A, pp. 24-25).
6. On April 21, 2021, the Department sent Petitioner a Medical Determination Verification Checklist (Exhibit A, pp. 26-27).
7. On May 4, 2021, the Department received Petitioner's request for hearing disputing the closure of her SDA case (Exhibit A, pp. 3, 28).

### **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.

The Department must periodically redetermine or renew an individual's eligibility for active programs, which process includes a thorough review of all eligibility factors. BAM 120 (January 2021), p. 1. A completed redetermination/renewal is required at least every 12 months. BAM 210, p. 3. A redetermination/review packet is considered complete when all the sections of the redetermination form including the signature section are completed. BAM 210, p. 13. When a complete packet is received, the Department is required to record the receipt in Bridges as soon as administratively possible. BAM 210, p. 13. If the redetermination is submitted through MI Bridges, the receipt of the packet will be automatically recorded. BAM 210, p. 13. If verifications are required, the Department gives the client a full ten days to provide such verifications from the date the verification is requested. BAM 210, p. 17.

At the hearing, Petitioner contended that she submitted a completed redetermination to the Department online through MiBridges on March 4, 2021; April 15, 2021; and April 20, 2021. The Department testified that it received the completed redetermination from Petitioner only on April 20, 2021, and the electronic case file for Petitioner confirms that the only redetermination it received from Petitioner was on April 20, 2021 (Exhibit B). Petitioner testified that she would provide copies of her text messages to establish that she also submitted the redetermination on March 4, 2021 and April 15, 2021 but did not do so. Therefore, the evidence supports the Department's testimony that it received the completed redetermination on April 20, 2021. However, notwithstanding which date Petitioner submitted the redetermination, the Department testified that, because it received Petitioner's redetermination before the May 1, 2021 end of the certification

period of her SDA case, it processed the redetermination and sent Petitioner medical verifications to be completed. It provided a copy of the Medical Determination Verification Checklist coversheet sent to Petitioner on April 21, 2021 to support its position that it was processing Petitioner's redetermination and the processing of the SDA case was pending receipt of verifications from Petitioner. The Department testified that, as of the hearing date, Petitioner had not provided the verifications requested.

Although the Department contended that Petitioner's case remained open, the Department conceded that, pending receipt of the medical verifications and completion of the redetermination process, no SDA benefits had been issued to Petitioner, explaining that Petitioner's May 4, 2021 hearing request was not submitted within the timely hearing request period allowing for continued benefits. Department policy provides that if the redetermination packet is not logged in by the negative action cut-off date of the redetermination month, the Department's system issues a DHS-1605, Notice of Case Action, to automatically close the case. BAM 210, p. 13. Benefits will continue to be issued to the client only if a timely hearing request is received by the Department within 10 days of the date the notice of case action was issued. BAM 600 (March 2021), p. 25. A timely hearing request date is the last date on which a client can request a hearing and have benefits continued or restored pending the hearing, and it is always the day before the negative action is effective. BAM 220 (January 2021), p. 12. If the hearing request is untimely, program benefits continue at the current level. BAM 600, p. 26.

Here, the only hearing request that was provided was dated May 4, 2021, which is more than 10 days after the April 19, 2021 Notice of Case Action sent by the Department notifying Petitioner of the pending closure of her SDA case. Petitioner alleged that she submitted a hearing request on April 22, 2021. Although the electronic file does show that the Department received documents from Petitioner on April 22, 2021, those are identified as "fax cover sheet," "other unspecified document," and "other unspecified written statement." Petitioner was given the opportunity to submit her fax confirmation and purported April 22, 2021 hearing request into evidence but did not do so. Petitioner's electronic case file shows only a hearing request submitted to the Department on May 4, 2021 (Exhibit B). Because there is no evidence to support the filing of a timely hearing request, the Department properly stopped issuing SDA benefits to Petitioner at the level she received prior to May 1, 2021 while it processed Petitioner's SDA redetermination.

Petitioner is advised that for continued SDA receipt, her disability must be verified at redetermination. BEM 261 (April 2017), p. 5. Accordingly, completion of the redetermination process will require her to complete all sections of the DHS-49-FR, Medical Social Questionnaire Update; the DHS-1555, Authorization to Release Protected Health Information; the DHS-3975, Reimbursement Authorization if not previously provided; and verification of her Social Security Administration application (or appeal). BAM 815 (April 2018), p. 5. Petitioner is entitled to a hearing if she disputes the Department's decision following its processing of the redetermination.

