



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: June 3, 2022
MOAHR Docket No.: 22-001586
Agency No.: ██████████
Petitioner: █████ █████

ADMINISTRATIVE LAW JUDGE: Janice Spodarek

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, an administrative hearing was held on 6/1/2022. Petitioner appeared unrepresented. Respondent, the Department of Health and Human Services (Department) was represented by Gabriel Sprague, Hearings Facilitator.

Department Exhibit A.229 was offered and admitted into the record.

ISSUE

Whether the Department properly determined that Petitioner was not disabled for purposes of the State Disability Assistance (SDA) benefit programs?

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 8/████2021 Petitioner applied for SDA.
2. On 1/14/2022 the Medical Review Team (MRT) denied Petitioner's application.
3. On 1/18/2022 the Department issued notice.
4. In September 2021 Petitioner received a final SSA determination on a disability application. Petitioner did not file an appeal.
5. As of the date of application Petitioner was a █████year-old female, standing █████ and weighing █████ pounds. Petitioner is classified as overweight under the BMI index.
6. Petitioner was employed at application and continues to be employed three days per week in the health care field at \$████ per hour.

7. Petitioner is engaged in substantial gainful activity.

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 Medical Assistance (MA) program is established by Title XIX of the Social Security Act, 42 USC 1396-1396w-5; 42 USC 1315; the Affordable Care Act of 2010, the collective term for the Patient Protection and Affordable Care Act, Pub. L. No. 111-148, as amended by the Health Care and Education Reconciliation Act of 2010, Pub. L. No. 111-152; and 42 CFR 430.10-.25. The Department (formerly known as the Department of Human Services) administers the MA program pursuant to 42 CFR 435, MCL 400.10, and MCL 400.105-.112k.

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.

In this case, Petitioner is not eligible for SDA for two reasons as set forth below.

First, Petitioner has received a final determination from the Social Security Administration based on a disability application in the last twelve months. Pursuant to 42 CFR 435.541(a)(2)(b)(i), that federal decision is binding on the state agency. Thus, there is no jurisdiction to proceed with a substantial review.

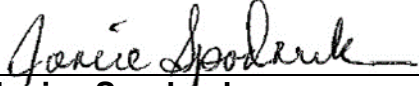
Second, and as an alternative argument, Petitioner is engaged in substantial gainful activity. Under 20 CFR 416 Petitioner is not eligible as she is working.

Thus, for these reasons and for the reasons stated above, Petitioner is not eligible for SDA. As such, the Department's denial is upheld.

DECISION AND ORDER

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

JS/dm



Janice Spodarek
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

Via-Electronic Mail :

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Petitioner

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