



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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██████████, MI ██████████

Date Mailed: May 9, 2022
MOAHR Docket No.: 22-001028
Agency No.: ██████████
Petitioner: ██████████ ██████████

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 April 12, 2022, from Lansing, Michigan. The Petitioner was represented by himself. The Department of Health and Human Services (Department) was represented by Jennifer Solis Hearing Facilitator. Department Exhibit 1, pp. 1-698 was received and admitted.

ISSUE

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

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 ██████████ ██████████ ██████████ Petitioner applied for SDA.
2. On February 3, 2022, DDS sent Petitioner a letter informing him that they must hear from him by February 13, 2022.
3. On January 23, 2022, Petitioner was arrested and jailed. Petitioner was released from jail on February 12, 2022.
4. Petitioner did not contact DDS.
5. On March 1, 2022, a Notice of Case Action was sent to Petitioner informing him that his SDA application was denied for failure to cooperate.

6. On [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.

Client Cooperation

The client is responsible for providing evidence needed to prove disability or blindness. However, assist the customer when they request or need help to obtain it. Such help includes the following:

Scheduling medical exam appointments

Paying for medical evidence and medical transportation

See BAM 815 and BAM 825 for details.

A client who refuses or fails to submit to an exam necessary to determine disability or blindness **cannot** be determined disabled or blind and you should deny the application or close the case. It is not necessary to return the medical evidence to DDS for another decision in this instance. BEM 260

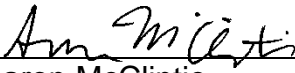
In this case, on February 3, 2022, Petitioner was sent a letter instructing him to contact DDS for the purpose of gathering medical records and scheduling a consultative examination. The letter from DDS gave Petitioner until February 13, 2022, to contact DDS. Petitioner testified at hearing that he was arrested and jailed on January 23, 2022, and was not released until February 12, 2022. Petitioner was required to cooperate with the Department in gathering information about his disability. BEM 260 When Petitioner was released from jail on February 12, 2022, he could have contacted DDS and provided the information they needed to determine whether he was disabled or not. Petitioner also could have requested an extension. Petitioner did not contact DDS prior to the February 13, 2022, deadline. On March 1, 2022, it was proper and correct for the Department to deny Petitioner's SDA application when Petitioner failed to contact DDS. BEM 260

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 cooperate.

DECISION AND ORDER

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

AM/nr



Aaron McClintic
Administrative Law Judge

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

Kimberly Kilmer
800 Watertower
Big Rapids, MI 49307

Mecosta County DHHS- via electronic
mail

BSC3- via electronic mail

L. Karadsheh- via electronic mail

Petitioner

██████████ - via first class mail
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██████████, MI ██████████