



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: October 14, 2022
MOAHR Docket No.: 22-004232
Agency No.: ██████████
Petitioner: ██████████

ADMINISTRATIVE LAW JUDGE: Ellen McLemore

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 October 13, 2022, from Detroit, Michigan. Petitioner was present and represented herself. The Department of Health and Human Services (Department) was represented by Cassandra Baldwin, Family Independence Specialist.

ISSUE

Did the Department properly close Petitioner's State Disability Assistance (SDA) benefit 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. On ██████████, 2022, Petitioner submitted an application for SDA benefits.
2. On June 15, 2022, the Department sent Petitioner a Disability Determination Services (DDS) packet which included a DHS-3503-MRT, Medical Determination Verification Checklist; a DHS-3975, Reimbursement Authorization; a DHS-49-F, Medical-Social Questionnaire; a DHS-1555, Authorization to Release Protected Health Information; and a DHS-1551, Notice to Apply (Exhibit A, pp. 17-31).
3. On July 26, 2022, the Department sent Petitioner a Notice of Case Action notifying her that her SDA benefit application was denied.
4. On ██████████, 2022, Petitioner submitted a request for hearing disputing the Department's actions.

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.

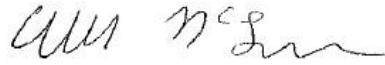
In this case, Petitioner applied for SDA benefits on [REDACTED], 2022. The Department determined that Petitioner had applied for Supplement Security Income (SSI) benefits. Petitioner had completed a hearing with an Administrative Law Judge and had been issued a decision denying her application for benefits. Petitioner had reached the final step in the appeal process and needed to submit an appeals council review. The Department sent Petitioner a DDS packet, requesting proof of her SSI appeal. Proofs were due by June 27, 2022.

Clients who receive state-funded FIP or SDA who meet potential eligibility for Supplemental Security Income (SSI) SSI or have a DDS decision that indicates they meet the criteria for MA based on blindness or disability are required to pursue SSI. BEM 271 (January 2016), p. 1. The Department must ensure that the client meets the time limits required by policy for the following actions, if required: (i) SSI application; (ii) SSI reconsideration request (iii) SSI hearing request and (iv) SSI appeals council review. BEM 271, pp. 2-3. The Department monitors and assists clients through the SSI application and appeal process. BEM 271, pp. 3-9. For an appeals council review, the client must file a request for the review within 60 days of the SSI hearing decision date. BEM 271, p. 8. The Department will send the client a DHS-1551 Notice to Apply, a DHS-1552 Verification of Application for SSI from SSA marked "appeal," and a return envelope. BEM 271, p. 8. The Department will then verify that the client has submitted the appeals council review with 10 days of the date the DHS-1551 is sent to the client. BEM 271, p. 8. SDA clients receiving or those who have been found eligible for disability-related MA must comply with the requirements listed in policy. BEM 271, p. 1. These clients must also cooperate with all SSA requirements and procedures when applying for SSI benefits. BEM 271, p. 1. Failure to comply as required results in group ineligibility for SDA. BEM 271, p. 1.

The Department testified that Petitioner did not submit proof of her SSI appeal by the due date. As a result, Petitioner's application for SDA benefits was denied. At the hearing, Petitioner conceded that she did not submit her appeal until August 6, 2022. Therefore, the Department acted in accordance with policy when it denied Petitioner's SDA application.

DECISION AND ORDER

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



EM/tm

Ellen McLemore
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

Via-Electronic Mail :

DHHS

Yvonne Hill
Oakland County DHHS Madison
Heights Dist.
30755 Montpelier Drive
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**MDHHS-Oakland-DistrictII-
Hearings@michigan.gov**

Interested Parties

L. Karadsheh
BSC4
MOAHR

Via-First Class Mail :

Petitioner

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