



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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[REDACTED] MI [REDACTED]

Date Mailed: January 6, 2023
MOAHR Docket No.: 22-005146
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Zainab A. Baydoun

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 December 7, 2022, from Detroit, Michigan. Petitioner appeared for the hearing and represented herself. Petitioner was present with her sister, [REDACTED]. The Department of Health and Human Services (Department) was represented by Demetria Davis, Family Independence Manager.

ISSUE

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

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 or around [REDACTED] 2022, Petitioner submitted an application for SDA benefits.
2. On or around July 9, 2022, the Department sent Petitioner a Medical Determination Verification Checklist (VCL) instructing her to submit verifications by July 19, 2022. The VCL identified the forms that needed to be completed and returned to the Department and the blank forms were included with the VCL sent to Petitioner. In connection with the VCL, Petitioner was instructed to apply for disability benefits through the Social Security Administration and was to submit proof that the application was pending or that an appeal of a denied application was filed.
3. Petitioner returned some of the requested information by the due date.

4. With respect to the verification that Petitioner submitted an application for disability benefits through the SSA, Petitioner submitted a DHS-1552 Verification of Application or Appeal for SSI/RSDI that had an N/A notated in large print on the second page. Petitioner also submitted a copy of an email from SSA dated July 12, 2022, confirming that Petitioner scheduled a phone appointment with SSA that was to be held on August 18, 2022. (Exhibit A, pp. 31-32,47).
5. On or around October 17, 2022, the Department sent Petitioner a Notice of Case Action, denying her SDA application on the basis that Petitioner failed to return documentation needed to complete the disability determination. (Exhibit A, pp.63 – 66)
6. On or around November 2, 2022, Petitioner submitted a request for hearing, disputing the Department's actions with respect to the denial of her SDA application. The request for hearing also indicates that Petitioner disputed the denial of her Family Independence Program (FIP) benefits; however, Petitioner confirmed that this box was checked in error and there was no issue regarding the FIP. Therefore, the request for hearing concerning the FIP will be dismissed.

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 disputed the denial of her [REDACTED] 2022, SDA application. To receive SDA, a person must be disabled, caring for a disabled person, or age 65 or older. BEM 261 (April 2017), p.1. As a condition of program eligibility, SDA clients must apply for or appeal benefits through SSA. Verification must be obtained from SSA that an application for SSI or appeal is on file. BEM 270 (July 2020), pp. 1-8; BEM 271 (January 2016), pp. 1-10; BAM 815 (April 2018), pp. 1-9. Acceptable verification sources of SSA application or appeal include the Single Online Query (SOLQ), the DHS-1552, Verification of Application for SSI from SSA, Correspondence from SSA, or telephone or other contact with SSA. BAM 815, p. 8; BEM 270, pp. 7-8. At application, if requested mandatory forms are not returned, the Disability Determination Service (DDS, cannot make a determination on the severity of the disability, and the application will be denied for failure to provide required verifications. BAM 815, p.2.

Verification is usually required at application/redetermination and for a reported change affecting eligibility or benefit level. BAM 130 (January 2022), p.1. To request verification of information, the Department sends a verification checklist (VCL) which tells the client what verification is required, how to obtain it, and the due date. BAM 130, p. 3. Although the client must obtain the required verification, the Department must assist if a client needs and requests help. If neither the client nor the Department can obtain the verification despite a reasonable effort, the Department is to use the best available information; and if no evidence is available, the Department is to use its best judgment. BAM 130, p. 3. For SDA, clients are given 10 calendar days to provide the verifications requested by the Department. Verifications are considered to be timely if received by the date they are due. The Department sends a negative action notice when the client indicates a refusal to provide a verification or the time period given has elapsed and the client has not made a reasonable effort to provide it. BAM 130, pp. 7-8.

At the hearing, the Department representative testified that although Petitioner timely submitted some of the requested verifications outlined in the Medical Determination VCL, because it did not receive sufficient verification that Petitioner had submitted an application for SSI through the SSA, the October 17, 2022, Notice of Case Action was issued advising of the denial of Petitioner's ██████████ 2022 SDA application. Petitioner testified that she contacted SSA to submit an application and was informed that the office was closed for in person appointments. Petitioner explained the attempts she made to contact her caseworker through the Department. She testified that she had previously applied for SDA in ██████████ 2022 and was informed that in processing her ██████████ 2022 application, the Department would be able to use information previously provided. Petitioner testified that she was unable to submit an application for SSI through the SSA via phone and was told that she was required to make a phone appointment in order to complete an application. Petitioner stated that she made an appointment to complete an application and the appointment was scheduled for August 18, 2022. Petitioner testified and the Department confirmed that in connection with the VCL, Petitioner submitted an email verifying that she had a telephone appointment scheduled with SSA on August 18, 2022. However, the Department representative testified that the email documenting a telephone appointment was insufficient to satisfy the requirement that Petitioner apply for SSI. Although as of the hearing date the SOLQ showed that Petitioner had a record establishment date of August 18, 2022, the evidence as presented established that at the time the SDA application was processed and the verifications were due, Petitioner had not completed the requirements necessary and had not completed an application for SSI through the SSA. (Exhibit A, p.30).

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 because Petitioner failed to submit sufficient verification that she applied for SSI by the due date identified on the VCL, the Department acted in accordance with Department policy when it denied her ██████████ 2022, SDA application. Petitioner is advised that she is entitled to submit a new application for SDA and her eligibility will be determined from the application date ongoing.

DECISION AND ORDER

Accordingly, the hearing request regarding the FIP is **DISMISSED** and the Department's SDA decision is **AFFIRMED**.

ZB/ml



Zainab A. Baydoun
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
Madison Heights, MI 48071
**MDHHS-Oakland-DistrictII-
Hearings@michigan.gov**

Interested Parties

BSC4
M Schaefer
EQAD
MOAHR

Via First Class Mail :

Petitioner

[REDACTED]
[REDACTED]
[REDACTED] MI [REDACTED]