



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ORLENE HAWKS
DIRECTOR

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

Date Mailed: August 15, 2023
MOAHR Docket No.: 23-004053
Agency No.: [REDACTED]
Petitioner: [REDACTED]

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 August 10, 2023, via conference line. Petitioner was present and unrepresented. The Department of Health and Human Services (Department) was represented by Brad Reno, Hearings Facilitator.

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 May 3, 2023, Petitioner submitted an application for SDA benefits (Exhibit A, pp. 7-12).
2. On May 10, 2023, the Department sent Petitioner a Disability Determination Services (DDS) packet which included a DHS-3503-MRT, Medical Determination Verification Checklist; a DHS-49-F, Medical-Social Questionnaire; and a DHS-1555, Authorization to Release Protected Health Information (Exhibit A, pp. 20-28).
3. On June 22, 2023, the Department received the entirety of the DDS packet, with the exception of page 3 of the DHS-1555 (Exhibit A, pp. 34-43).
4. On June 23, 2023, the Department sent Petitioner a Medical Determination Verification Checklist, and a DHS-1555 form, and notified Petitioner that he failed

to submit the third page of the DHS-1555, which need to be returned (Exhibit A, pp. 44-48).

5. On July 3, 2023, the Department sent Petitioner a Notice of Case Action informing him that his application for SDA benefits was denied for the failure to submit the requested verifications (Exhibit A, pp. 49-52).
6. On July 11, 2023, 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 submitted an application for SDA benefits on May 3, 2023. On June 23, 2023, the Department sent Petitioner a final verification checklist requesting the DHS-1555 in its entirety. The documents were due to be returned by July 3, 2023.

The Disability Determination Service (DDS) develops and reviews medical evidence for disability and/or blindness and certifies the client's medical eligibility for assistance. BAM 815 (January 2017), p. 1. At application or medical review if requested mandatory forms are not returned, the DDS cannot make a determination on the severity of the disability. BAM 815, p. 2. The Department will deny an application for SDA or place an approved program into negative action for failure to provide required verifications. BAM 815, p. 2. A required step in the determination of a disability is that the client must submit 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. BAM 815, pp. 4-5. These forms are mandatory. BAM 815, pp. 4-5.

At the hearing, the Department testified that although page three of the DHS-1555 does not have any portion that is completed by the client, it is required when sending requests for medical records to providers. When asked if it was possible to attach the third page of the form in the Department's file to the signed portions submitted by Petitioner, the Department testified that it was possible and routinely done. Petitioner testified that he did not return page three of the DHS-1555 because it did not have any

portion that required him to insert information or a signature. Petitioner was not aware of the issue until July 24, 2023, when he submitted the third page of the DHS-1555.

The Department had page three of the DHS-1555 in its own records that did not require Petitioner to complete any portion. The Department acknowledged it could have retrieved that page from its own records and attached it to the completed portion of the DHS-1555 provided by Petitioner. Therefore, the Department had a completed DDS packet for Petitioner. Thus, the Department did not act in accordance with policy when it denied Petitioner's SDA application.

DECISION AND ORDER

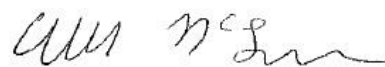
The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds that the Department did not act in accordance with Department policy when it denied Petitioner's SDA application.

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

THE DEPARTMENT IS ORDERED TO BEGIN DOING THE FOLLOWING, IN ACCORDANCE WITH DEPARTMENT POLICY AND CONSISTENT WITH THIS HEARING DECISION, WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. Reinstate and reprocess Petitioner's May 3, 2023 SDA application;
2. If Petitioner is eligible for SDA benefits, issue supplements in accordance with Department policy; and
3. Notify Petitioner of its decision in writing.

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
Janice Collins
Genesee County DHHS Union St
District Office
125 E. Union St 7th Floor
Flint, MI 48502
**MDHHS-Genesee-UnionSt-
Hearings@michigan.gov**

Interested Parties
L. Karadsheh
BSC4

Via-First Class Mail :

Petitioner
[REDACTED]
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