



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: April 3, 2023
MOAHR Docket No.: 23-000578
Agency No.: ██████████
Petitioner: ██████████

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

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 hearing was held via telephone conference line on March 27, 2023. Petitioner appeared and was unrepresented. The Michigan Department of Health and Human Services (MDHHS) was represented by Corey Reed, supervisor.

ISSUES

The first issue is whether Petitioner timely requested a hearing disputing the denial of a State Disability Assistance (SDA) application dated ██████████ 2022.

The second issue is whether MDHHS properly processed Petitioner's State Disability Assistance (SDA) application dated ██████████ 2022.

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 applied for SDA benefits.
2. On July 25, 2022, MDHHS mailed Petitioner a denial of SDA due to excess income.
3. On ██████████ 2022, Petitioner reapplied for SDA benefits.
4. On January 30, 2023, Petitioner requested a hearing to dispute the processing of SDA applications dated ██████████ 2022, and ██████████ 2022.

5. As of March 27, 2023, Petitioner's application dated [REDACTED] 2022, was awaiting a disability determination by the Disability Determination Services (DDS).

CONCLUSIONS OF LAW

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. SDA policies are contained in the Bridges Administrative Manual (BAM), Bridges Eligibility Manual (BEM), and Reference Tables Manual (RFT).

Petitioner requested a hearing on January 30, 2023, to dispute the processing of two SDA applications.¹ Exhibit A, pp. 3-4. It was not disputed that Petitioner's earlier application was submitted to MDHHS on [REDACTED] 2022.

A client's request for hearing must be received in the MDHHS local office within 90 days of the date of the written notice of case action. BAM 600 (March 2021) p. 6. Generally, hearing requests must be submitted to MDHHS in writing.² *Id.*, p. 2.

MDHHS credibly testified that a Notice of Case Action denying Petitioner's SDA application due to excess income was mailed to Petitioner on July 25, 2022. Though Petitioner denied receiving written notice, the evidence suggested otherwise. MDHHS testified the notice was mailed to the same mailing address Petitioner used to request a hearing; Petitioner acknowledged his mailing address had not changed since applying in June 2022. Also, MDHHS credibly testified that the notice was "central" printed; a "central" printed notice is automatically prepped for mailing by MDHHS's database.

The evidence established that MDHHS sent notice of SDA denial to Petitioner on July 25, 2022. Petitioner requested a hearing to dispute SDA denial 189 days later. Thus, Petitioner's hearing request was untimely, and no administrative hearing jurisdiction exists to address Petitioner's dispute of his SDA application dated June 23, 2022.³

Petitioner also requested a hearing to dispute the processing of a second SDA application. Exhibit A, pp. 3-4. Petitioner reapplied for SDA benefits on [REDACTED] 2022. Exhibit A, p. 6. It was not disputed that Petitioner's basis to receive SDA was a

¹ Petitioner may have requested a hearing earlier than January 30, 2023. MDHHS notes dated January 27, 2023 state that a hearing request disputing SDA was already received. Exhibit A, p. 12.

² Requests for Food Assistance Program (FAP) benefit hearings may be made orally. *Id.*

³ Even if the substance of Petitioner's dispute was considered, the evidence suggested that MDHHS properly denied Petitioner's application due to excess income. Petitioner's testimony acknowledged receiving unemployment benefits exceeding \$200 per month at the time of application. An income exceeding the SDA grant amount of \$200 is a basis for application denial (see BEM 515, BEM 518, and RFT 255).

claimed disability. As of the date of hearing, Petitioner's application was pending and awaiting a disability determination by DDS.⁴ Exhibit A, pp. 7-8.

DDS develops and reviews medical evidence for disability and/or blindness and certifies the client's medical eligibility for assistance. BAM 815 (April 2018) p. 1. The steps of processing SDA applications based on a claimed disability is as follows:

- (1) Approve SDA if the client is established as disabled by SSA. If disability is not already established, proceed to the second step.
 - (2) Interview the client.
 - (3) Have the client complete a Medical-Social Questionnaire (DHS-49F)
 - (4) Have the client sign a DHS-1555 Authorization to Release Protected Health Information.
 - (5) For SDA applicants, have the client sign a DHS-3975 Reimbursement Authorization.
 - (6) Mail the client a DHS-3503-MRT requesting the following required forms: DHS-49-F, DHS-1555, DHS-3975, and verification of a pending SSA application.
 - (7) Assist the client in completing forms, if necessary.
 - (8) Review the DHS-1555 and DHS-49-F to ensure completion.
 - (9) Send all required documents to DDS, along with any submitted medical evidence, to begin the medical evaluation process.
- Id.*, pp. 3-4.

Generally, the standard of promptness to process SDA applications is 45 days. BAM 115 (January 2023) p. 15. MDHHS may take up to 90 days when disability is an eligibility factor. *Id.*, p. 16. The standard of promptness can be extended by 60 days from the date of deferral by MRT. *Id.*

Petitioner repeatedly contended that he was previously approved for SDA and the process was completed sooner than the processing of his currently pending SDA application. Petitioner's contention is unpersuasive because a previous SDA evaluation is not relevant to determining if MDHHS violated its current policy.

Petitioner repeatedly testified that his MDHHS specialist admitted mismanaging his case. Emails between MDHHS staff and correspondence documents indicate some delay due to Petitioner not being sent medical documents until January 4, 2023: approximately 24 days after Petitioner applied for benefits. Exhibit A, pp. 11 and 13-14. Despite some delay, MDHHS completed all steps necessary to send Petitioner's case to DDS for a disability determination.

Petitioner requested a hearing on January 30, 2023: ■ days after applying for SDA. Based on Petitioner's hearing request date, MDHHS had not exceeded its standard of promptness of 90 days for an evaluation of disability. Thus, Petitioner prematurely requested a hearing. Even when factoring that MDHHS had not processed Petitioner's application as of the date of hearing, only 106 days passed since Petitioner's application

⁴ DDS was referenced during the hearing as the Medical Review Team (MRT).

date; such a passage of time is acceptable under the assumption that Petitioner's case was deferred by DDS/MRT. Given the evidence, MDHHS did not yet violate its standard of promptness in processing Petitioner's SDA application dated [REDACTED] 2022.⁵

DECISION AND ORDER

The administrative law judge, based upon the above findings of fact and conclusions of law, finds that Petitioner failed to timely request a hearing disputing a denial of an SDA application dated [REDACTED] 2022. Concerning the SDA application dated [REDACTED] 2022, Petitioner's hearing request is **DISMISSED**.

The administrative law judge, based upon the above findings of fact and conclusions of law, finds that MDHHS has not violated its standards of promptness in processing Petitioner's SDA application dated [REDACTED] 2022. Concerning the processing of Petitioner's SDA application dated [REDACTED] 2022, the actions taken by MDHHS are **AFFIRMED**.

CG/mp



Christian Gardocki
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

⁵ Petitioner is free to request a hearing again if a disability determination remains unissued.

Via-Electronic Mail :

DHHS
MDHHS-Wayne-17-hearings
L. Karadsheh
MOAHR
BSC4

Via-First Class Mail :

Petitioner

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