



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: April 13, 2023  
MOAHR Docket No.: 23-000700  
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 March 16, 2023, from Detroit, Michigan. Petitioner appeared for the hearing with her Authorized Hearing Representative [REDACTED]. The Department of Health and Human Services (Department) was represented by Sylvester Williams, Assistance Payments Supervisor.

### **ISSUE**

Did the Department properly close Petitioner's State Disability Assistance (SDA) 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. Petitioner was an ongoing recipient of SDA benefits. Petitioner's eligibility for SDA benefits was due for a redetermination/renewal review in October 2022.
2. On or around October 10, 2022, the Department sent Petitioner a Medical Determination Verification Checklist (VCL) instructing her to submit requested verifications by October 20, 2022.
3. In response to the VCL, Petitioner submitted various documents requested as well as some medical records.(Exhibit A; Exhibit 1)
4. On or around January 27, 2023, the Department sent Petitioner a Notice of Case Action, advising her that her SDA case would be closed because she failed to verify requested information. The Notice of Case Action was not presented for review, and thus, the effective date of the case closure was unknown.

5. On or around February 6, 2023, Petitioner requested a hearing disputing the Department's actions with respect to the closure of her SDA case.

### **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.

To receive SDA, a person must be disabled, caring for a disabled person, or age 65 or older. BEM 261 (April 2017), p.1. The Disability Determination Service (DDS) develops and reviews medical evidence for disability and either certifies or denies a client's medical eligibility for SDA assistance. BEM 261, p. 4; BAM 815 (April 2018), p. 1. When completing a medical determination review, the Department is required to send the client a DHS-3503-MRT Medical Determination Verification Checklist, indicating the type of verification requested and the due date. The client must also complete the mandatory DHS-49-FR, Medication Social Questionnaire Update, the mandatory DHS 1555, Authorization to Release Protected Health Information, the DHS-3975, Reimbursement Authorization, and verification of SSI application/appeal. BAM 815, pp. 5-6. SDA clients must apply for or appeal benefits through SSA. Verification can 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, pp.1-2, 8-9.

At the hearing, the Department could not clearly explain what verifications Petitioner failed to submit. The Department representative acknowledged that upon his review of Petitioner's case, it appeared as though Petitioner submitted all requested verifications. The Department representative testified that it appeared as though the only document that could have resulted in the case closure was Petitioner's failure to include the third page of the DHS-1555. Petitioner's AHR disputed the Department's testimony and asserted that all requested verifications were submitted. Petitioner's AHR indicated that a request for extension was made, however, it was unclear whether this request was granted. The Department representative testified that Petitioner's late submission of the requested verifications could have also caused the case closure. However, based on the information presented at the hearing, Petitioner made a reasonable effort to submit the documentation and did not indicate a refusal to provide requested verifications. See BAM 130. Additionally, because Petitioner reasonably complied with the requests for verification prior to the issuance of the January 27, 2023, Notice of Case Action, the Department could have deleted the negative action. BAM 220 (October 2022), pp.12-14.

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 closed Petitioner's SDA case.


**DECISION AND ORDER**

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 Petitioner's SDA case effective the date of case closure;
2. Initiate a review of Petitioner's ongoing/continued SDA eligibility in accordance with Department policy;
3. Supplement Petitioner for lost benefits, if any, that Petitioner was entitled to receive if otherwise eligible and qualified; and
4. Notify Petitioner and her AHR in writing of its decision.

ZB/ml

  
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**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**  
Linda Gooden  
Oakland County Southfield District III  
25620 W. 8 Mile Rd  
Southfield, MI 48033  
**MDHHS-Oakland-6303-Hearings@michigan.gov**

**Interested Parties**  
BSC4  
L Karadsheh  
MOAHR

**Via First Class Mail :**

**AHR**  
[REDACTED]  
[REDACTED]  
[REDACTED], MI [REDACTED]

**Petitioner**  
[REDACTED]  
[REDACTED]  
[REDACTED], MI [REDACTED]