



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 24, 2023
MOAHR Docket No.: 23-001586
Agency No.: ██████████
Petitioner: ██████████

ADMINISTRATIVE LAW JUDGE: Danielle Nuccio

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 April 20, 2023. The Petitioner appeared and represented himself. The Department of Health and Human Services (MDHHS) was represented by Sabrina Hopkins, Family Independence Manager.

At the hearing, Petitioner waived his right to receiving and reviewing the 39-page hearing packet prior to the hearing and the packet was entered into evidence as MDHHS's Exhibit A. MDHHS sent Petitioner a copy of the hearing packet via e-mail.

ISSUE

Did MDHHS 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 ██████████ 2023, Petitioner submitted an application for cash assistance on the basis of a disability (Exhibit A, pp. 9-34).
2. On January 26, 2023, MDHHS issued a Notice of Case Action to Petitioner, informing him that his cash assistance application was denied, finding that he is not eligible because he is not a dependent child, a caretaker/relative of a child, not pregnant, not aged or disabled, not a refugee, or does not have a qualifying relationship to other household members (Exhibit A, pp. 35-38).

3. On March 20, 2023, MDHHS received Petitioner's timely submitted hearing request disputing the denial of his SDA application (Exhibit A, pp. 3-8).

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.

Petitioner disputes the denial of his SDA application. MDHHS denied Petitioner's application, finding that he is not eligible because he is not a dependent child, a caretaker/relative of a child, not pregnant, not aged or disabled, not a refugee, or does not have a qualifying relationship to other household members.

The Family Independence Program (FIP), Refugee Cash Assistance (RCA) and State Disability Assistance (SDA) are cash assistance programs designed to help individuals and families become self-sufficient. When an individual applies for cash assistance, Bridges determines group composition and builds an eligibility determination group (EDG) for these programs in the following order: FIP, RCA and SDA. Cash assistance is available to eligibility determination groups who meet all of the non-financial and financial requirements that are needed to determine eligibility and calculate benefit amounts. BEM 209 (January 2022), p. 1. In this case, MDHHS only evaluated Petitioner's eligibility for FIP and RCA, but not SDA. At the hearing, MDHHS conceded that Petitioner's application needed to be evaluated by the Medical Review Team (MRT) to determine whether he was eligible for SDA, but that was not done in Petitioner's case. Since MDHHS did not evaluate Petitioner for all three kinds of cash assistance, they did not act in accordance with policy in denying Petitioner's application.

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 MDHHS did not act in accordance with Department policy when it denied Petitioner's application.

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. Reregister Petitioner's [REDACTED] 2023 cash assistance application;
2. Reprocess Petitioner's [REDACTED] 2023 cash assistance application ongoing, including evaluate whether Petitioner is eligible for SDA;
3. If Petitioner is eligible for benefits, issue supplements to Petitioner for any cash assistance and/or SDA he was eligible to receive but did not from [REDACTED] 2023 ongoing;
4. Notify Petitioner of its decision in writing.

DN/mp



Danielle Nuccio

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
MDHHS-Wayne-57-Hearings
L. Karadsheh
MOAHR
BSC4

Via-First Class Mail :

Petitioner

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