



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
SUZANNE SONNEBORN
EXECUTIVE DIRECTOR

MARLON I. BROWN, DPA
ACTING DIRECTOR

[REDACTED], MI [REDACTED]

Date Mailed: October 4, 2023
MOAHR Docket No.: 23-005396
Agency No.: [REDACTED]
Petitioner: [REDACTED]

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 September 28, 2023. Petitioner appeared and was unrepresented. The Michigan Department of Health and Human Services (MDHHS) was represented by Kaylie Polk, specialist.

ISSUE

The issue is whether MDHHS properly denied Petitioner's application for State Disability Assistance (SDA) benefits.

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 [REDACTED] 2023, Petitioner applied for FAP and SDA benefits.
2. On July 24, 2023, MDHHS mailed Petitioner a Medical Determination Verification Checklist (MD-VCL) requesting an Authorization to Release Protected Health Information form (aka DHS-1555) by August 3, 2023.
3. On August 8, 2023, MDHHS received a signed DHS-1555 from Petitioner.
4. On August 8, 2023, MDHHS denied Petitioner's application for SDA benefits.

5. On August 22, 2023, Petitioner requested a hearing to dispute the denial of SDA benefits. Petitioner also disputed a denial of FAP benefits for July 2023.
6. On September 28, 2023, Petitioner withdrew his dispute concerning FAP benefits.

CONCLUSIONS OF LAW

The FAP (formerly known as the Food Stamp program) is established by the Food and Nutrition Act of 2008, as amended, 7 USC 2011 to 2036a and is implemented by the federal regulations contained in 7 CFR 273. MDHHS administers FAP pursuant to MCL 400.10, the Social Welfare Act, MCL 400.1-.119b, and Mich Admin Code, R 400.3001-.3011. FAP policies are contained in the Bridges Administrative Manual (BAM), Bridges Eligibility Manual (BEM), and Reference Tables Manual (RFT).

Petitioner requested a hearing, in part, to dispute a denial of FAP benefits. Exhibit A, p. 4. Petitioner applied for FAP benefits on July 13, 2023. Exhibit A, pp. 6-17. A Notice of Case Action dated July 24, 2023, approved Petitioner for FAP benefits beginning August 2023, but denied Petitioner for the application month of July 2023. During the hearing, Petitioner testified he understands why he was denied FAP benefits for July 2023 and that a hearing was not needed to address FAP benefits. MDHHS had no objections to Petitioner's partial hearing request withdrawal. Based on Petitioner's partial hearing request withdrawal, Petitioner's dispute concerning FAP benefits will be dismissed.

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 BAM, BEM, and RFT.

Petitioner also requested a hearing to dispute a denial of SDA benefits¹. Exhibit A, p. 4. Petitioner applied for SDA benefits on July 13, 2023. Exhibit A, pp. 6-17. A Notice of Case Action dated August 8, 2023, denied SDA due to Petitioner's alleged failure to verify unspecified information. Exhibit A, pp. 26-30. MDHHS testimony clarified that Petitioner failed to return a DHS-1555.

MDHHS is to send the client a MD-VCL requesting mandatory forms. BAM 815 (April 2018) p. 4. As part of the SDA evaluation for disability, a DHS-1555 is a mandatory form. *Id.* If requested mandatory forms are not returned at application, the Disability Determination Service cannot decide the severity of the disability and MDHHS is to deny the application for failure to provide required verifications. *Id.*, pp. 2-4.

¹ MDHHS presented only a portion of Petitioner's hearing request which did not reference cash benefits. During the hearing, MDHHS testified that the missing portion indeed referenced a dispute over cash benefits.

MDHHS testified it mailed Petitioner a MD-VCL on July 24, 2023, requesting various items, including a DHS-1555. MDHHS further testified the MD-VCL indicated a due date of August 3, 2023.

MDHHS contended it properly denied Petitioner's application on August 8, 2023, after not receiving the DHS-1555 by August 3, 2023. However, MDHHS did receive Petitioner's application on August 8, 2023: the same date it denied Petitioner's application.

MDHHS can only deny SDA if mandatory forms are not returned. Notices of Case Action and other documents are printed and mailed centrally by the consolidated print center. BAM 220 (April 2023) p. 2. Such notices are known to be printed and mailed after business hours. MDHHS does not recognize documents received after business hours until the next business day. Thus, it can be inferred that MDHHS possessed Petitioner's DHS-1555 before the denial notice was sent. Because MDHHS possessed the requested document before a denial notice was sent, MDHHS improperly denied Petitioner's SDA application.² As a remedy, Petitioner is entitled to a reprocessing of his application.

DECISION AND ORDER

The administrative law judge, based upon the above findings of fact and conclusions of law, finds that Petitioner withdrew his dispute concerning a denial of FAP benefits for July 2023. Concerning Petitioner's dispute over a denial of FAP benefits, Petitioner's hearing request is **DISMISSED**.

The administrative law judge, based upon the above findings of fact and conclusions of law, finds that MDHHS improperly denied Petitioner's SDA application. It is ordered that MDHHS commence the following actions within 10 days:

- (1) Reregister Petitioner's application for SDA benefits dated [REDACTED] 2023.
- (2) Reprocess Petitioner's application subject to the finding that MDHHS improperly denied Petitioner's application due to Petitioner's alleged failure to timely return a DHS-1555.

The actions taken by MDHHS are **AFFIRMED**.

CG/nr



Christian Gardocki
Administrative Law Judge

² Petitioner also testified he made efforts to contact MDHHS about the requested documents, but to no avail. Petitioner's testimony suggests a second reason for reversing the SDA application denial; however, it need not be considered based on MDHHS's improper denial after it possessed Petitioner's verification.

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
Kim Cates
Bay County DHHS
1399 W. Center Road
Essexville, MI 48732
MDHHS-Bay-
Hearings@michigan.gov

Interested Parties
Bay County DHHS
BSC2
L. Karadsheh
MOAHR

Via-First Class Mail :

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