



STATE OF MICHIGAN

GRETCHEN WHITMER
GOVERNOR

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

MARLON I. BROWN, DPA
ACTING DIRECTOR



Date Mailed: October 17, 2023
MOAHR Docket No.: 23-005615
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Aaron McClintic

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 October 5, 2023, from Lansing, Michigan. The Petitioner was represented by herself. The Department of Health and Human Services (Department) was represented by Lekeitia Cokely AP Supervisor. Department exhibit 1, pp. 1-17 was received and admitted.

ISSUE

Did the Department properly process 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 [REDACTED] 2023, Petitioner applied for SDA.
2. On August 18, 2023, a Decision and Order was issued ordering the Department to reinstate Petitioner's SDA application.
3. On September 1, 2023, Petitioner requested hearing raising issues about the processing of her SDA application.
4. On September 15, 2023, Petitioner submitted documents related to her SDA application.

5. On September 28, 2023, Petitioner was sent a denial notice for FIP due to time limits.
6. The Department representative agreed that the SDA application needed to be forwarded to the Medical Review Team and that the September 28, 2023, notice was not a proper denial notice as it relates to SDA.

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.

Medical Certification of Disability

When the person does not meet one of the criteria under Other Benefits or Services or Special Living Arrangements, follow the instructions in BAM 815, Medical Determination and Disability Determination Service (DDS), Steps for Medical Determination Applications. The DDS will gather and review the medical evidence and either certify or deny the disability claim based on the medical evidence. The DDS will deny the disability claim if the medical evidence shows that substance abuse is a contributing factor material to the determination of disability. The DDS may approve the disability claim if the medical evidence shows that substance abuse is not material to the determination of the disability. BEM 261 (April 2017).

Steps for Medical Determination Applications

1. Client claims disability and/or blindness. Approve the medical eligibility for FIP/SDA/RCA/MA if one of the following exists:
 - If the client is eligible for Retirement, Survivors, Disability Insurance (RSDI) or Supplemental Security Income (SSI) based on disability and/or blindness: Document verification in Bridges. Approve medical eligibility for MA or FIP/SDA/RCA (Stop here. Medical determination process is complete). Note: If the client reports SSI based on disability and/or blindness was terminated due to financial factors, continue medical eligibility. Documentation would consist of a copy of the Notice of Planned Action letter from SSA to the client or similar, written documentation. The client must meet all financial and non-financial factors for SSI-related MA; see BEM 260. Medical development and

DDS certification are not initially required. Schedule the medical review 12 months from the date of SSI termination. At the time of review, go to Steps for Medical Determination Reviews in this item.

- FIP/SDA/RCA clients who are already receiving MA based on their own disability and/or blindness meet the medical eligibility up to the medical review date stated on the DHS49-A as determined by the DDS 7/1/2015 and after. (Stop here. The medical determination for FIP/SDA/RCA is complete. A new medical redetermination must be requested from DDS by the medical review date listed on the DHS-49-A). The client must still meet all financial and non-financial factors for FIP/SDA/RCA. Example: Client is active FAP and MA based on disability. The medical review date is 8/1/2016. On 7/15/2015, the client applies for FIP. Approve the client with the FIP employment and training deferral code of incapacitated (IN) until the medical review date of 8/1/2016. Complete the medical determination review for continued potential eligibility of an employment and training deferral.
2. For FIP/SDA/RCA applicants, interview the client per requirements in BAM 115. For MA, no interview is required.
 3. The client or authorized representative must complete all sections of the DHS-49-F, Medical-Social Questionnaire. This form is mandatory. If the client is in a hospital or long-term care facility, the facility may designate a person to complete the DHS-49-F provided the local office, facility and client agree to this option.
 4. The client or authorized representative must sign the DHS1555, Authorization to Release Protected Health Information, to request existing medical records. This form is mandatory.
 5. For state-funded FIP/SDA only, the client must sign a DHS3975, Reimbursement Authorization, as a condition of eligibility; see BEM 272, State-Funded FIP and SDA Repay Agreements.
 6. Complete a DHS-3503-MRT, Medical Determination Verification Checklist, indicating the following verifications required:
 - DHS-49-F.
 - DHS-1555.
 - DHS-3975, Reimbursement Authorization (for state funded FIP/SDA only).
 - Verification of SSA application/appeal.
 7. Assist the client or representative in completing the DHS-49-F and DHS-1555 if the client or representative is unable to complete the forms. If the client is obviously handicapped (for example, totally blind, paraplegic, quadriplegic,

double amputee), enter this information on the DHS-49-F. Document the attempt(s) made to assist the client in Bridges; see BAM 130.

8. Review the DHS-1555 and the DHS-49-F to make sure the appropriate sections are complete.
9. Send the completed DHS-49-F, the completed DHS-1555, and verification of SSA application/appeal, along with any medical evidence provided, to the DDS to begin the medical development process. Note: The specialist is not required to gather medical evidence. If the client provides medical evidence, forward it to DDS with the DHS-1555 and DHS-49-F.
10. If any additional medical information is received after the completed forms are sent to DDS, forward the additional medical information to the DDS. Note: For SDA and MA only, the DDS may put a case on medical hold for further development. A medical hold letter will be sent to the client or authorized representative and a copy will be scanned into Bridges by DDS. Once DDS issues a medical hold, enter the appropriate medical deferral information in Bridges. BAM 815 (April 2018).

In this case, the Department was ordered to move forward with Petitioner's SDA application pursuant to a decision and order issued following the previous hearing. (Ex. 1, pp. 5-9). On September 15, 2023, Petitioner submitted required forms but those forms were not forwarded to the Medical Review Team. On September 28, 2023, Petitioner was issued a denial in error, the denial was for FIP based on time limits. The Department representative agreed at hearing that Petitioner's SDA application should move forward and the documents she submitted should be forwarded on to the Medical Review Team.

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 related to the FIP time limits.


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 and reprocess Petitioner's SDA application going back to the date of application.
2. Forward Petitioner's documents related to her SDA application to the Medical Review Team.
3. Award Petitioner's SDA benefits if she is found to be eligible.

AM/ml



Aaron McClintic
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
Richard Latimore
Wayne-Conner-DHHS
4733 Conner
Detroit, MI 48215
MDHHS-Wayne-57-Hearings@michigan.gov

Interested Parties

BSC4
L Karadsheh
MOAHR

Via First Class Mail:

Petitioner

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