



GRETCHEN WHITMER  
GOVERNOR

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

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ACTING DIRECTOR

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██████████ MI, ██████████

Date Mailed: December 8, 2023  
MOAHR Docket No.: 23-007374  
Agency No.: ██████████  
Petitioner: ██████████

**ADMINISTRATIVE LAW JUDGE: Linda Jordan**

### **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 on November 27, 2023, via teleconference. Petitioner appeared and represented herself. Juanita Munoz, Hearings Facilitator, appeared on behalf of the Michigan Department of Health and Human Services (MDHHS or Department).

### **ISSUES**

1. Did MDHHS properly process Petitioner's application for State Emergency Relief (SER)?
2. Did MDHHS properly deny Petitioner's application for State Disability Assistance (SDA)?

### **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 June 20, 2023, Petitioner applied for SER and SDA. MDHHS approved Petitioner's application for SER.
2. On June 21, 2023, MDHHS sent Petitioner a Verification Checklist (VCL) requesting verification of her disability for SDA. Petitioner returned various medical documentation by the deadline.

3. On October 13, 2023, MDHHS sent Petitioner a Notice of Case Action denying her application for SDA because the requested verifications regarding her disability were not provided.
4. On October 20, 2023, Petitioner filed a Request for A Hearing (Exhibit A, pp. 4-5). Petitioner requested a hearing regarding SER, SDA and the Food Assistance Program (FAP). The FAP issue was regarding recoupment of an overpayment, which is the subject of a separate case: MOAHR Docket Number: 23-007836.

### **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)**

SDA is established by the Social Welfare Act, MCL 400.1-.119b. MDHHS administers the SDA program pursuant to 42 CFR 435, MCL 400.10 and Mich Admin Code, R 400.3151-.3180.

In this case, MDHHS alleged that it denied Petitioner's application for SDA because it did not receive the proper verification to confirm Petitioner's disability status.

To receive SDA, a person must be disabled, caring for a disabled person or 65 years or older. BEM 261 (April 2017). MDHHS is required to verify the disability at application, redetermination, when required by the Disability Determination Services (DDS) or as needed when the client's circumstances change. BEM 261, p. 5. To start processing an SDA case, MDHHS must send a medical determination verification checklist, DHS-3503-MRT, requesting a completed DHS-49F, DHS-1555, DHS-3975, and verification of SSA application/appeal. BAM 815 (April 2018), p. 4.

At the hearing, MDHHS testified that the documentation verifying Petitioner's disability was insufficient, because the medical records that she submitted did not include a statement from a doctor saying that Petitioner was disabled. Petitioner credibly testified that she did not know what documents to send MDHHS and that she was attempting to comply with its request. MDHHS did not present the VCL at the hearing, nor did it present any evidence that it sent Petitioner a medical determination verification checklist, DHS-3503-MRT, requesting a completed DHS-49F, DHS-1555, DHS-3975, or that it requested verification of SSA application/appeal. Additionally, there was no evidence that MDHHS told Petitioner that the documentation that she submitted was insufficient prior to denying her application.

The record shows that Petitioner was attempting to comply with MDHHS' verification request but was not clearly or properly instructed by MDHHS regarding what

documentation was needed. Additionally, MDHHS failed to satisfy its burden of showing that it sent all the necessary forms to Petitioner to verify the disability, contrary to BAM 815, p. 4.

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 satisfy its burden of showing that it acted in accordance with Department policy when it denied Petitioner's application for SDA.

**State Emergency Relief (SER)**

SER is established by the Social Welfare Act, MCL 400.1-.119b. MDHHS administers SER pursuant to MCL 400.10 and Mich Admin Code, R 400.7001-.7049. Petitioner requested the hearing to dispute MDHHS' determination regarding her application for SER. However, at the hearing, MDHHS testified that it properly processed and approved Petitioner's application for SER. Petitioner also testified that her application for SER was approved. Given that there was no remaining dispute, Petitioner requested to withdraw her Request for a Hearing regarding SER. MDHHS had no objection. The Request for a Hearing regarding SER was withdrawn on the record. Pursuant to the withdrawal of the Request for A Hearing, the matter regarding SER is hereby, **DISMISSED**.

**DECISION AND ORDER**

Pursuant to the withdrawal of the Request for A Hearing on the record, the matter regarding SER is, hereby, **DISMISSED**.

MDHHS' decision to deny Petitioner's application for SDA is **REVERSED**. MDHHS 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 and reprocess Petitioner's June 20, 2023 application for SDA, requesting all necessary verifications;
2. If Petitioner is eligible for SDA, issue supplemental payments from the date of eligibility ongoing; and
3. Notify Petitioner in writing of its decision.

LJ/tm

  
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**Linda Jordan**  
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**  
Tracy Felder  
Wayne-Southwest-DHHS  
2524 Clark Street  
Detroit, MI 48209  
**MDHHS-Wayne-41-  
Hearings@michigan.gov**

**Interested Parties**

L. Karadsheh  
J. McLaughlin  
E. Holzhausen  
BSC4

**Via-First Class Mail :**

**Petitioner**

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