



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

[REDACTED]
MI [REDACTED]

Date Mailed: January 11, 2024
MOAHR Docket No.: 23-008061
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Jeffrey Kemm

HEARING DECISION

On November 6, 2023, Petitioner, [REDACTED] requested a hearing to dispute a State Disability Assistance (SDA) determination. Following Petitioner's hearing request, this matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and Michigan Administrative Code (MAC) R 792.11002. After due notice, a telephone hearing was held on January 10, 2024. Petitioner appeared and represented herself. Respondent, Department of Health and Human Services (Department), had Amber Gibson, Hearing Facilitator, appear as its representative. Neither party had any additional witnesses.

ISSUE

Did the Department properly deny Petitioner's request for 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. Petitioner applied for SDA.
2. The Department erroneously denied Petitioner's application before the Department sent Petitioner's application to Disability Determination Service (DDS) for review.
3. On October 2, 2023, the Department mailed a notice of case action to Petitioner to notify her that her application for SDA was denied for failing to provide proof to the Department as instructed. The Department acknowledged that this notice was sent in error.

4. Petitioner requested a hearing to dispute the Department's decision.

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 administers the SDA program pursuant to 42 CFR 435, MCL 400.10 and Mich Admin Code, R 400.3151-.3180.

The Department erroneously denied Petitioner's application before the Department sent Petitioner's application to DDS for review. The Department acknowledged its mistake and indicated that it has since corrected its mistake by sending Petitioner's application to DDS.

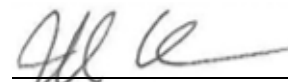
The Department's decision is reversed since the Department improperly denied Petitioner's application for SDA. This does not mean that Petitioner is eligible for SDA. Rather, this means that the Department must have DDS consider Petitioner's application. Once DDS has considered Petitioner's application, the Department must issue a determination on Petitioner's eligibility for SDA.

DECISION AND ORDER

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 its policies and the applicable law when it denied Petitioner's application for State Disability Assistance.

IT IS ORDERED the Department's decision is **REVERSED**. This does not mean that Petitioner is eligible for State Disability Assistance. This means that the Department must have DDS consider Petitioner's application. Once DDS has considered Petitioner's application, the Department must issue a determination on Petitioner's eligibility for State Disability Assistance. The Department shall begin to implement this decision within 10 days of the date of mailing of this decision and order.

JK/ml



Jeffrey Kemm
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
Amber Gibson
Ingham County DHHS
5303 South Cedar
Lansing, MI 48911
MDHHS-Ingham-Hearings@michigan.gov

Interested Parties
BSC2
L Karadsheh
MOAHR

Via First Class Mail:

Petitioner
[REDACTED]
MI [REDACTED]