



GRETCHEN WHITMER
GOVERNOR

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

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Date Mailed: December 28, 2023
MOAHR Docket No.: 23-008092
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 December 19, 2023, via teleconference. Petitioner appeared and represented herself with the assistance of an interpreter. Dania Ajami appeared on behalf of the Michigan Department of Health and Human Services (MDHHS or Department).

ISSUES

1. Did MDHHS properly determine Petitioner's eligibility for Food Assistance Program (FAP) benefits?
2. Did MDHHS properly deny Petitioner's application for cash assistance/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. Petitioner was an ongoing recipient of FAP benefits.
2. On ██████████ 2023, Petitioner filed an application for cash assistance (Exhibit A, pp. 8-18). Petitioner reported that she had a disability or a physical/emotional/mental health condition (Exhibit A, p. 11).

3. On October 20, 2023, MDHHS sent Petitioner a Notice of Case Action indicating that she was denied for the cash program, effective November 1, 2023 ongoing (Exhibit A, p. 19).
4. On November 9, 2023, Petitioner requested a hearing regarding FAP and cash assistance (Exhibit A, pp. 4-6).
5. On November 22, 2023, MDHHS sent Petitioner a Medical Determination Verification Checklist to determine eligibility for SDA (Exhibit A, p. 23).
6. On November 22, 2023, MDHHS sent Petitioner a Verification Checklist (VCL) for FAP, cash assistance, and Medicaid, requesting proof of her disability (Exhibit A, p. 24).

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 Food Assistance Program (FAP)

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.

In this case, Petitioner requested a hearing regarding the termination of her FAP benefits. However, at the hearing, MDHHS confirmed that Petitioner's FAP benefits had been reinstated. Petitioner testified that there was no remaining dispute regarding FAP benefits and requested to withdraw her Request for Hearing on this issue. MDHHS had no objection. The Request for Hearing was withdrawn on the record.

Pursuant to the withdrawal of the Request for Hearing, the matter involving FAP is, hereby, **DISMISSED**.

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 testified that it denied Petitioner's application for SDA in error because Petitioner's disability was not registered in Bridges—MDHHS' internal case management and eligibility system.

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. In order to start the processing of 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.

The record shows that MDHHS denied Petitioner's application for SDA before attempting to verify Petitioner's disability, contrary to policy. MDHHS acknowledged this error.

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 for SDA.

DECISION AND ORDER

Pursuant to the withdrawal of the Request for Hearing, the matter involving FAP is, hereby, **DISMISSED**.

MDHHS's decision regarding cash assistance/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 Petitioner's [REDACTED], 2023 application for SDA and redetermine Petitioner's eligibility for SDA, effective October 13, 2023 ongoing;
2. Provide supplemental payments to Petitioner for any SDA benefits that she was eligible to receive but did not, from October 13, 2023 ongoing; and
3. Notify Petitioner of its decision in writing.

LJ/tm



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
Caryn Jackson
Wayne-Hamtramck-DHHS
12140 Joseph Campau
Hamtramck, MI 48212
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