



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
DIRECTOR



Date Mailed: March 7, 2024
MOAHR Docket No.: 23-009707
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Zainab A. Baydoun

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 February 29, 2024, from Detroit, Michigan. Petitioner appeared for the hearing and represented herself. The Department of Health and Human Services (Department) was represented by Angela Arnold, Eligibility Specialist.

ISSUE

Did the Department properly deny 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 or around [REDACTED] 2023, Petitioner submitted an application for SDA benefits.
2. On or around November 30, 2023, the Department sent Petitioner a Medical Determination Verification Checklist (VCL) instructing her to submit verifications by December 11, 2023. The VCL identified the forms that needed to be completed and returned to the Department and the blank forms were included with the VCL and sent to Petitioner. (Exhibit A, pp. 10-12)
3. On or around December 11, 2023, the Department received verification that Petitioner had a pending Social Security Administration (SSA) disability

application. The Department asserted that it did not receive any of the other remaining verifications or forms requested.

4. On or around December 13, 2023, the Department sent Petitioner a Notice of Case Action, denying her SDA application on the basis that Petitioner failed to return documentation needed to complete the disability determination. (Exhibit A, pp.6-10)
5. On or around December 27, 2023, Petitioner submitted a request for hearing, disputing the Department's actions with respect to the denial of her SDA application.

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.

In this case, Petitioner disputed the denial of her [REDACTED] 2023, SDA application. To receive SDA, a person must be disabled, caring for a disabled person, or age 65 or older. BEM 261 (April 2017), p.1. At application, if requested mandatory forms are not returned, the Disability Determination Service (DDS, cannot make a determination on the severity of the disability, and the application will be denied for failure to provide required verifications. BAM 815 (April 2018), p. 2.

Verification is usually required at application/redetermination and for a reported change affecting eligibility or benefit level. BAM 130 (October 2023), p. 1. To request verification of information, the Department sends a verification checklist (VCL) which tells the client what verification is required, how to obtain it, and the due date. BAM 130, p. 3. Although the client must obtain the required verification, the Department must assist if a client needs and requests help. If neither the client nor the Department can obtain the verification despite a reasonable effort, the Department is to use the best available information; and if no evidence is available, the Department is to use its best judgment. BAM 130, p. 3. For SDA, clients are given 10 calendar days to provide the verifications requested by the Department. Verifications are considered to be timely if received by the date they are due. The Department sends a negative action notice when the client indicates a refusal to provide a verification or the time period given has elapsed and the client has not made a reasonable effort to provide it. BAM 130, pp. 7-8.


At the hearing, the Department representative testified that although Petitioner timely submitted verification that she had submitted an application for disability benefits through the SSA, because the remaining requested verifications identified on the VCL were not returned, the December 13, 2023, Notice of Case Action was issued advising Petitioner of the denial of the [REDACTED] 2023, SDA application. The Department representative testified that there was no request for assistance or request for extension of time to submit the requested information. Petitioner confirmed receiving the VCL and testified that she submitted the requested documentation to the Department. Petitioner asserted that her doctors also submitted medical records to the Department. Petitioner could not recall the exact date that she submitted the verifications or the forms that were submitted, however. It was established that Petitioner submitted a second application for SDA benefits on [REDACTED] 2024. The Department representative testified that all requested verifications were submitted in connection with the [REDACTED] 2024 application and forwarded to the DDS for a disability determination.

However, because it was not established that Petitioner submitted all requested verifications by the due date, 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 acted in accordance with Department policy when it denied Petitioner's [REDACTED] 2023, SDA application.

DECISION AND ORDER

Accordingly, the Department's decision is **AFFIRMED**.

ZB/ml



Zainab A. Baydoun
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
Susan Noel
Wayne-Inkster-DHHS
26355 Michigan Ave
Inkster, MI 48141
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Interested Parties
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Via First Class Mail:

Petitioner

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