



GRETCHEN WHITMER
GOVERNOR

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

MARLON I. BROWN
DIRECTOR

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Date Mailed: May 3, 2024
MOAHR Docket No.: 24-001788
Agency No.: ██████████
Petitioner: ██████ ██████

ADMINISTRATIVE LAW JUDGE: Colleen Lack

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 April 4, 2024, from Lansing, Michigan. ██████ ██████ the Petitioner, appeared on his own behalf. The Department of Health and Human Services (Department) was represented by Brad Reno, Eligibility Specialist and Hearing Facilitator.

During the hearing proceeding, the Department’s Hearing Summary packet was admitted as Exhibit A, pp. 1-27.

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 November █ 2023, Petitioner applied for SDA. (Exhibit A, pp. 7-13)
2. On November █ 2023, a Medical Determination Verification Checklist was issued to Petitioner requesting verifications, including proof of a pending disability benefits claim with the Social Security Administration (SSA) with a due date of November 17, 2023. (Exhibit A, pp. 14-15)
3. On December █ 2023, the Department granted an extension, and a Medical Determination Verification Checklist was issued to Petitioner requesting proof of a

pending disability benefits claim with the SSA with a due date of December 11, 2023. (Exhibit A, pp. 16-17)

4. On December █ 2023, the Department requested verification of an application or appeal for disability benefits from SSA. (Exhibit A, p. 20)
5. On December █ 2023, the Department granted another extension and Medical Determination Verification Checklist was issued to Petitioner requesting proof of a pending disability benefits claim with the SSA with a due date of December 26, 2023. (Exhibit A, pp. 18-19)
6. On January █ 2024, the Department received a completed Verification of Application of Appeal for SSI/RSDI from SSA that did not show a currently pending application or appeal. (Exhibit A, pp. 20-21)
7. On January █ 2024, a Notice of Case Action was issued to Petitioner stating SDA was denied based on the failure to provide the requested proof of a pending disability benefits claim with the SSA. (Exhibit A, pp. 22-25)
8. On February 12, 2024, Petitioner filed a hearing request contesting the Department's determination. (Exhibit A, p. 6)

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.

For individuals applying for FIP, SDA, RCA and disability-related MA, verification must be obtained from SSA that an application or appeal is on file before the case is referred to the DDS. For FIP/SDA/RCA individuals receiving disability-related Medicaid, verification must be obtained from SSA that a Supplemental Security Income (SSI) application or appeal is on file at program redetermination and medical determination review. BEM 270, July 1, 2020, pp. 6-7.

In this case, the Department explained that SDA was denied because Petitioner did not have an application or appeal on file with SSA. On November █ 2023, Petitioner applied for SDA. (Exhibit A, pp. 7-13). On November █ 2023, a Medical Determination Verification Checklist was issued to Petitioner requesting verifications, including proof of a pending

disability benefits claim with the SSA with a due date of November 17, 2023. (Exhibit A, pp. 14-15). On December █ 2023, the Department granted an extension, and a Medical Determination Verification Checklist was issued to Petitioner requesting proof of a pending disability benefits claim with the SSA with a due date of December 11, 2023. (Exhibit A, pp. 16-17). On December █ 2023, the Department requested verification of an application or appeal for disability benefits from SSA. (Exhibit A, p. 20). On December 12, 2023, the Department granted another extension and Medical Determination Verification Checklist was issued to Petitioner requesting proof of a pending disability benefits claim with the SSA with a due date of December 26, 2023. (Exhibit A, pp. 18-19). On January █ 2024, the Department received a completed Verification of Application of Appeal for SSI/RSDI from SSA that did not show a currently pending application or appeal. (Exhibit A, pp. 20-21). Accordingly, on January 10, 2024, a Notice of Case Action was issued to Petitioner stating SDA was denied based on the failure to provide the requested proof of a pending disability benefits claim with the SSA. (Exhibit A, pp. 22-25).

Petitioner testified that he did not realize that the SSA denial had been sent because he was in a homeless shelter. SSA sent the denial to another address he had been utilizing. When Petitioner inquired, he found out he was already past the timeframe. Petitioner has an attorney, and an appeal was filed a week or two ago. (Petitioner Testimony).

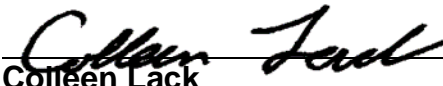
The Department's determination to deny Petitioner's SDA application was in accordance with the above cited BEM 270 policy. At the time of the January █ 2024 determination, Petitioner did not have an application or appeal on file with SSA.

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 SDA application.

DECISION AND ORDER

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

CL/dm



Colleen Lack
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
Janice Collins
Genesee County DHHS Union St
District Office
**MDHHS-Genesee-UnionSt-
Hearings@michigan.gov**

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Via-First Class Mail :

Petitioner
[REDACTED]
[REDACTED]
[REDACTED]