



GRETCHEN WHITMER
GOVERNOR

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

MARLON I. BROWN, DPA
DIRECTOR

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Date Mailed: April 25, 2024
MOAHR Docket No.: 24-001895
Agency No.: [REDACTED]
Petitioner: [REDACTED] [REDACTED]

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 March 28, 2024, from Lansing, Michigan. [REDACTED] [REDACTED] the Petitioner, appeared on her own behalf. The Department of Health and Human Services (Department) was represented by Amber Gibson, Hearing Facilitator (HF).

During the hearing proceeding, the Department's Hearing Summary packet was admitted as Exhibit A, pp. 1-18

ISSUE

Did the Department properly deny Petitioner's ongoing 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 January [REDACTED] 2024, Petitioner submitted a Redetermination for her Medical Assistance (MA) benefit case. (Exhibit A, pp. 5-11)
2. On January [REDACTED] 2024 a Medical Determination Verification Checklist was issued to Petitioner requesting a Medical Social Questionnaire Update, Authorization to Release Protected Health Information, Reimbursement Authorization, and proof of pending Social Security Administration (SSA) disability benefits application or scheduled appointment to apply for benefits with a due date of January 19, 2024. (Exhibit A, pp. 12-13)

3. On January ■ 2024, the Department received verification from SSA that Petitioner did not have a claim filed. (Exhibit A, p. 14)
4. On February 2, 2024, a Notice of Case Action was issued to Petitioner stating SDA was denied effective March 1, 2024 based on a failure to return documentation to complete the disability determination. (Exhibit A, pp.15-18)
5. On February 8, 2024, Petitioner filed a hearing request contesting the Department's determination. (Exhibit A, pp. 3-4)

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 HF explained that ongoing SDA was denied because Petitioner did not have an application or appeal on file with SSA. On January ■ 2024, the Department received verification from SSA that Petitioner did not have a claim filed. (Exhibit A, p. 14).

Petitioner testified that she and her attorney were unaware that there was no claim on file with SSA. They were not aware of SSA's denial of her prior claim because no denial letter was issued to her or her attorney. They only learned of the SSA denial because of the SDA denial. Petitioner was aware that she needed to have a claim on file with SSA and had she been notified by SSA of their denial, she would have filed a new application with them right away. As soon as she found out, Petitioner submitted a new application with SSA. (Petitioner Testimony).

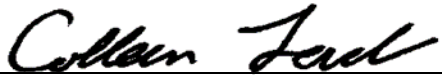
The Department's determination to deny ongoing SDA benefits for Petitioner was in accordance with the above cited BEM 270 policy. At the time of the redetermination for the Medicaid case, Petitioner did not have an application or appeal on file with SSA.

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 deny Petitioner's ongoing SDA benefits.

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

