



GRETCHEN WHITMER
GOVERNOR

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

ORLENE HAWKS
DIRECTOR



Date Mailed: [REDACTED]
MOAHR Docket No.: 22-001268
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Amanda M. T. Marler

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 May 11, 2022. The Petitioner was self-represented. The Department of Health and Human Services (Department) was represented by Alice Mosley, Eligibility Specialist.

ISSUE

Did the Department properly deny Petitioner's application for 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. On [REDACTED] 2022, the Department received Petitioner's application for SDA which indicated that Petitioner had not applied for disability through the Social Security Administration (SSA) and that he was receiving services through Michigan Rehabilitation Services (MRS).
2. On January 27, 2022, the Department issued a Verification Checklist (VCL) to Petitioner requesting proof of disability by physician's statement, medical records, proof of death, receipt of Retirement Survivors Disability Insurance (RSDI) benefits or Supplemental Security Income (SSI) benefits, or termination of SSI in the last 12 months due to financial reasons, in addition to proof of his residential address. All proofs were due by February 7, 2022.

3. On February 9, 2022, the Department issued a Medical Determination VCL indicating Petitioner should apply for SSA benefits and provide a completed DHS-0049-F Medical Social Questionnaire, DHS-1555 Authorization to Release Protected Health Information, and Proof of pending SSA benefit application or appointment to apply for benefits. All proofs were due by February 22, 2022.
4. On February 7, 2022 and March 8, 2022, the Department verbally requested proof of an Individuals Plan for Employment (IPE) for Petitioner.
5. At some point, Petitioner provided an IPE to the Department; however, due to COVID quarantine and televisits, it was not signed by MRS or Petitioner.
6. On February 22, 2022, Petitioner provided an IPE with an electronic signature on it to his case worker. There was no returned or acknowledged email and there was no bounce back of the email.
7. On March 8, 2022, the Department issued a Notice of Case Action to Petitioner advising him that his SDA application had been denied effective February 16, 2022 because he failed to verify his disability.
8. On March 9, 2022, Petitioner resent the same email with the electronically signed IPE attached to his case worker and again there was no response, returned email, or bounce back. However, Petitioner spoke with his previous caseworker and advised that the email was being sent.
9. On [REDACTED] [REDACTED] 2022, the Department received Petitioner's request for hearing disputing the denial of his application.
10. During this period, Petitioner's case worker changed.
11. The Department denies receiving either email containing the signed IPE in February or March 2022.

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 was denied SDA benefits because the Department did not have a verification of his disability. Pursuant to policy, the Petitioner is eligible for SDA if he, among other things, attends MRS and has a signed active IPE with MRS. BEM 261 (April 2017), p. 2. To verify MRS participation, policy allows for him to provide a DHS-4698 Verification of Vocational Rehabilitation Status, a statement from MRS, or a current signed copy of the IPE. BEM 261, p. 5. Pursuant to policy, when the Department is seeking verification of any item, the Department must tell the client what verification is required, how to obtain it, and the due date. BAM 130 (January 2022), p. 3. A DHS-3503 VCL should be used to request the verifications. *Id.*

The Department sought verification of Petitioner's IPE with MRS. Pursuant to policy, a signed IPE is not the only method of verification of participation with MRS. Policy allows for multiple types of verification of MRS participation, but the Department never alerted Petitioner to these options as the Department did not issue a VCL requesting proof of MRS participation and only verbally notified Petitioner that he had to provide a signed IPE. Since the Department did not issue a VCL informing Petitioner of his options for verification of his MRS and IPE status, the Department has not complied with policy and improperly denied Petitioner's application for SDA benefits.

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 Department policy when it denied Petitioner's SDA application for failure to provide proof of disability, more specifically, his signed IPE showing participation with MRS.

DECISION AND ORDER

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

THE DEPARTMENT 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. Reprocess Petitioner's SDA application effective [REDACTED] 2022;
2. If otherwise eligible, issue supplements to Petitioner for benefits not previously received; and,

3. Notify Petitioner in writing of its decision.



Amanda M. T. Marler
Administrative Law Judge

AMTM/cc

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 Email:

MDHHS-Wayne-57-Hearings
BSC4-HearingDecisions
L. Karadsheh
MOAHR

Petitioner- Via USPS:

