



GRETCHEN WHITMER
GOVERNOR

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

ORLENE HAWKS
DIRECTOR



Date Mailed: December 21, 2022
MOAHR Docket No.: 22-005141
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Carmen G. Fahie

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 December 8, 2022. The Petitioner represented herself. The Department of Health and Human Services (Department) was represented by Susan Derseweh, Hearing Facilitator (HF). The Department Exhibit 1, pgs. 1-63, was submitted by the Department, admitted, and made a part of the record.

ISSUE

Did the Department properly deny the Petitioner's State Disability Assistance (SDA) application for failure to provide verification?

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 Petitioner applied for SDA benefits.
2. On July 28, 2022, the Department Caseworker sent the Petitioner a Verification Checklist, DHS 3503, with a return date of August 8, 2022, for required verifications to determine SDA eligibility.
3. On August 30, 2022, the Department Caseworker denied the Petitioner's SDA application for failure to return documentation and return verification to complete disability determination.
4. On [REDACTED] 2022, the Petitioner reapplied for SDA benefits with the program pending for verification due by November 21, 2022.

5. On November 9, 2022, the Department received a hearing request from the Petitioner, contesting the Department's negative action.
6. On November 9, 2022, the Department Caseworker sent the Petitioner a Verification Checklist, DHS 3503, with a return date of November 21, 2022, for required verifications to determine SDA eligibility.

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, the Petitioner applied for SDA benefits on [REDACTED] 2022. On July 28, 2022, the Department Caseworker sent the Petitioner a Verification Checklist, DHS 3503, with a return date of August 8, 2022, for required verifications to determine SDA eligibility. On August 30, 2022, the Department Caseworker denied the Petitioner's SDA application for failure to return documentation and return verification to complete disability determination. On [REDACTED] 2022, the Petitioner reapplied for SDA benefits with the program pending for verification due by November 21, 2022. On November 9, 2022, the Department received a hearing request from the Petitioner, contesting the Department's negative action. On November 9, 2022, the Department Caseworker sent the Petitioner a Verification Checklist, DHS 3503, with a return date of November 21, 2022, for required verifications to determine SDA eligibility. BAM 115, 130, 220, 600, and 815. BEM 260 and 261.

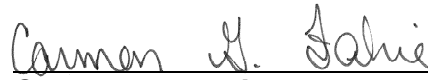
During the hearing, the HF stated that the Petitioner submitted expired verifications dated May 16, 2022, on August 2, 2022. She was informed that she needed to submit current verifications during her interview on August 4, 2022, with the Department Caseworker. She failed to submit updated verifications and her [REDACTED] 2022, SDA application was denied. The Department properly denied the Petitioner's SDA application for failure to provide the required verification by the due date.

DECISION AND ORDER

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 the Petitioner's [REDACTED] 2022, SDA Application for failure to submit the required verifications by the due date.

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

CF/cc

Handwritten signature of Carmen G. Fahie in cursive script.

Carmen G. Fahie
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 :

Interested Party

MDHHS-Genesee-Clio-Hearings
BSC2-HearingDecisions
L. Karadsheh
MOAHR

Via-First Class Mail :

Petitioner

[REDACTED]
MI [REDACTED]