



GRETCHEN WHITMER
GOVERNOR

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

ORLENE HAWKS
DIRECTOR



Date Mailed: August 15, 2023
MOAHR Docket No.: 23-003934
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Danielle Nuccio

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 August 7, 2023. The Petitioner appeared and represented himself. The Department of Health and Human Services (MDHHS) was represented by Tracy Nguyen, Eligibility Specialist/Lead Worker.

ISSUE

Did MDHHS properly deny Petitioner's State Disability Assistance (SDA) application?

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] 2023, Petitioner submitted an application for cash assistance on the basis of a disability. Petitioner reported that he is not applying, or planning to apply, for disability benefits with the Social Security Administration (SSA) (Exhibit A, pp. 3-8).
2. On June 15, 2023, Petitioner was interviewed by MDHHS as part of the SDA application process. Petitioner stated that he was denied disability by SSA and is not currently re-applying (Exhibit A, pp. 9-15).
3. On June 15, 2023, MDHHS issued a Notice of Case Action to Petitioner, informing him that his SDA application was denied, finding that he is not eligible because he is not a dependent child, a caretaker/relative of a child, not pregnant, not aged or disabled, not a refugee, or does not have a qualifying relationship to other household members (Exhibit A, pp. 17-21).

4. On June 16, 2023, Petitioner timely submitted a hearing request disputing the denial of his SDA application (Exhibit A, pp. 22-23).

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.

Petitioner disputes the denial of his SDA application, arguing that he was discriminated against on the basis of his race, gender, and marital status.

The Family Independence Program (FIP), Refugee Cash Assistance (RCA) and State Disability Assistance (SDA) are cash assistance programs designed to help individuals and families become self-sufficient. When an individual applies for cash assistance, Bridges determines group composition and builds an eligibility determination group (EDG) for these programs in the following order: FIP, RCA and SDA. Cash assistance is available to eligibility determination groups who meet all of the non-financial and financial requirements that are needed to determine eligibility and calculate benefit amounts. BEM 209 (January 2022), p. 1.

In order to receive FIP, the group must include a dependent child who lives with a legal parent, stepparent or other qualifying caretaker. BEM 210 (July 2021), p. 1. Petitioner confirmed that he is single and does not have or live with any children. Therefore, MDHHS properly determined that Petitioner would not qualify for FIP cash assistance.

RCA is a cash program for refugees who are not eligible for FIP. BEM 215 (July 2013), p. 1. Petitioner is a United States citizen. Therefore, MDHHS properly determined that Petitioner would not qualify to receive RCA cash assistance.

To receive SDA, a person must be disabled, caring for a disabled person, or age 65 or older. An individual automatically qualifies as disabled for purposes of the SDA program if the individual receives Supplemental Security Income (SSI) or Medical Assistance (MA-P) benefits based on disability or blindness. Otherwise, to be considered disabled for SDA purposes, a person must have a physical or mental impairment for at least ninety days which meets federal SSI disability standards, meaning the person is unable to do any substantial gainful activity by reason of any medically determinable physical or mental impairment. BEM 261 (April 2017), pp. 1-2; 20 CFR 416.901; 20 CFR 416.905(a). At program application or request for disability deferral, clients must apply

for or appeal benefits through the SSA if claiming disability and/or blindness as a condition of program eligibility. SSA's final determination that a client is not disabled and/or blind supersedes MDHHS' Disability Determination Service (DDS) certification. BAM 815 (April 2018), pp. 1-2.

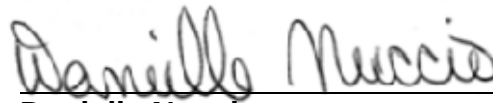
In this case, Petitioner applied for disability benefits through SSA on or about [REDACTED] 2021. SSA denied Petitioner's application for disability. On or about September 26, 2022, Petitioner appealed SSA's denial of his application. On February 21, 2023, SSA again denied Petitioner's application. Petitioner indicated that he did not intend to re-apply or pursue further appeal with SSA. Since SSA determined that Petitioner does not meet disability standards, Petitioner does not qualify for SDA. Petitioner argues that he is being discriminated against on the basis of his race, gender, and marital status. As indicated by referenced policy, race, gender, and marital status are not considered by MDHHS in determining Petitioner's eligibility for cash assistance. Since Petitioner does not meet any eligibility factors, MDHHS acted in accordance with policy in denying Petitioner's cash assistance application.

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 MDHHS acted in accordance with Department policy when it denied Petitioner's cash assistance application.

DECISION AND ORDER

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

DN/mp



Danielle Nuccio

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
MDHHS-Livingston-Hearings
L. Karadsheh
MOAHR
BSC4

Via-First Class Mail :

Petitioner

[REDACTED]
[REDACTED]
[REDACTED] MI [REDACTED]