



GRETCHEN WHITMER
GOVERNOR

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

MARLON I. BROWN, DPA
ACTING DIRECTOR

[REDACTED]
[REDACTED]
[REDACTED]

Date Mailed: November 9, 2023
MOAHR Docket No.: 23-006675
Agency No.: [REDACTED]
Petitioner: [REDACTED] [REDACTED]

ADMINISTRATIVE LAW JUDGE: Kevin Scully

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; 45 CFR 99.1 to 99.33; and 45 CFR 205.10. After due notice, a telephone hearing was held on November 2, 2023, from Lansing, Michigan. Petitioner represented himself and [REDACTED] testified on his behalf. The Department was represented by Lindsey Richardson.

ISSUE

Did the Department of Health and Human Services (Department) properly close Petitioner's 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 May [REDACTED] 2018, Michigan Office of Administrative Hearings and Rules (MOAHR) determined that Petitioner was unable to work for 90 days or more and ordered the Department to determine if all the other non-medical criteria were met for State Disability Assistance (SDA) benefits. Exhibit A, pp 64-77.
2. On June [REDACTED] 2023, the Department sent Petitioner a Redetermination (DHS-1010) form requesting that it be completed and returned by June 25, 2023. Exhibit A, p 78.
3. On July [REDACTED] 2023, the Department requested that Petitioner provide verification of his disability by July 24, 2023. Exhibit A, p 97.
4. The Department received documentation from the Social Security Administration (SSA) showing that as of July [REDACTED] 2023, Petitioner does not have pending claim for

disability benefits or a pending hearing on a denied claim for disability benefits. Exhibit A, p 115.

5. On August █ 2023, the Department notified Petitioner that he was not eligible for State Disability Assistance (SDA) benefits effective September 1, 2023. Exhibit A, p 138.
6. On September 26, 2023, the Department received Petitioner's request for a hearing protesting the closure of his State Disability Assistance (SDA) benefits. Exhibit A, pp 6-9.

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 *et seq.* The Department administers the SDA program pursuant to 42 CFR 435, MCL 400.10 of the Social Welfare Act, MCL 4001. *et seq.*, and Mich Admin Code, R 400.3151 through 400.3180.

As a condition of eligibility individuals must apply for any state and/or federal benefits for which they may be eligible. This includes taking action to make the entire benefit amount available to the group. Persons applying, receiving, or eligible for SDA must be referred to SSA to apply for Supplemental Security Income (SSI) benefits. Department of Health and Human Services Bridges Eligibility Manual (BEM) 270 (July 1, 2020), pp 1-3.

Petitioner became eligible for SDA benefits on May █ 2018, with a finding that he was unable to work due to a mental or physical disability for at least 90 days. The hearing record supports a finding that Petitioner, who was a recipient of Food Assistance Program (FAP) recipient, was due for a Redetermination in May of 2020. In May of 2020, redeterminations had been extended due to the COVID-19 public emergency, and multi-benefit redeterminations were also being extended as directed by ESA 2020-16.

On June █ 2023, the Department initiated a review of Petitioner's eligibility for ongoing benefits, and on July █ 2023, the Department requested the Petitioner provide verification of his disability by July 24, 2023. Persons receiving SDA benefits are required to be referred to the SSA to apply for federal disability benefits. The hearing record supports a finding that Petitioner does not have a pending application for disability benefits from the federal SSA, and no evidence was presented to establish that he is appealing the denial of disability benefits.

A determination by SSA that a person is not disabled is binding on the Department, and applicants for SDA benefits must apply for federal disability benefits. Department of Health and Human Services Bridges Administrative Manual (BAM) 815 (April 1, 2018), p

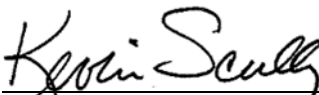
2. Petitioner does not have a current finding that he is disabled, he does not have a pending application with the SSA, and he is not appealing a denied application with SSA, therefore, he is longer eligible for ongoing SDA benefits.

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 acted in accordance with Department policy when it closed Petitioner's State Disability Assistance (SDA) benefits because he no longer meets the criteria for ongoing benefits.

DECISION AND ORDER

Accordingly, the Department's decision is AFFIRMED.

KS/dm



Kevin Scully
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
Lindsey Richardson
Eaton County DHHS
**MDHHS-Eaton-County-
Hearings@michigan.gov**

KaradshehL

McLaughlinJ

HolzhausenE

BSC2HearingDecisions

MOAHR

Via-First Class Mail :

Petitioner

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