



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

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Date Mailed: January 22, 2024
MOAHR Docket No.: 23-007988
Agency No.: ██████████
Petitioner: ██████ ██████

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 January 17, 2024, from Lansing, Michigan. Petitioner was represented by her grandmother ██████ ██████ and Petitioner was present for the hearing. The Department was represented by Barbara Schram.

ISSUE

Did the Department of Health and Human Services (Department) properly deny Petitioner’s application for cash assistance?

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 June ██████ 2023, the Department received Petitioner’s application for cash assistance.
2. On October ██████ 2023, the Department determined that Petitioner’s impairments do not prevent employment of 90 days or more.
3. On October ██████ 2023, the Department notified Petitioner that her application for cash assistance had been denied.
4. On November 17, 2023, the Department received Petitioner’s request for a hearing.

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.

A person is disabled for SDA purposes if she is unable to work due to mental or physical disability for at least 90 days from the onset of the disability. If the client's circumstances change so that the basis of her disability is no longer valid, the Department will determine if she meets any other disability criteria. Department of Health and Human Services Bridges Eligibility Manual (BEM) 261 (April 1, 2017), pp 1-2.

At application or medical review if requested mandatory forms are not returned, the DDS cannot make a determination on the severity of the disability. The Department will then deny the application or place an approved program into negative action for failure to provide required verifications. Department of Health and Human Services Bridges Administrative Manual (BAM) 815 (April 1, 2018), p 2.

On June ■■■ 2023, Petitioner applied for cash assistance claiming to be unable to work due to her impairments. On October ■■■ 2023, the Department determined that Petitioner's impairments do not prevent employment of 90 days or more.

The hearing record does not support a finding that the Disability Determination Service (DDS) reviewed all the available relevant medical evidence when making its determination of whether Petitioner's impairments prevent any employment.

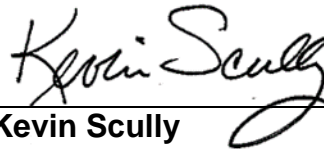
The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds that the Department failed to satisfy its burden of showing that it acted in accordance with Department policy when it denied Petitioner's application for cash assistance.

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. Re-register Petitioner's June ■■■ 2023, application for cash assistance and initiate a determination of the Petitioner's eligibility for cash assistance.
2. Provide the Petitioner with written notice describing the Department's revised eligibility determination.
3. Issue the Petitioner any retroactive benefits she may be eligible to receive, if any.



KS/dm

Kevin Scully
Administrative Law Judge
Michigan Office of Administrative Hearings
and Rules (MOAHR)

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
Barbara Schram
Iosco County DHHS
**MDHHS-GR8North-
Hearings@michigan.gov**

KaradshehL

BSC1HearingDecisions

MOAHR

Via-First Class Mail :

[REDACTED]
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Petitioner

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