



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING

MARLON I. BROWN, DPA
DIRECTOR

[REDACTED]
[REDACTED], MI [REDACTED]

Date Mailed: September 19, 2024
MOAHR Docket No.: 24-008445
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

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 hearing was conducted via telephone conference line on September 9, 2024. Petitioner participated and was unrepresented. The Michigan Department of Health and Human Services (MDHHS) was represented by Cindy Wasaya, supervisor, and Evelyn Feaster, specialist.

ISSUE

The issue is whether MDHHS properly denied 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] [REDACTED] 2024, Petitioner applied for cash benefits and reported a household with no other persons and a disability.
2. On March 29, 2024, MDHHS sent Petitioner a Medical Determination Verification Checklist requesting various documents including a Medical Social Questionnaire (MSQ) due by April 8, 2024.
3. On June 3, 2024, MDHHS denied Petitioner's MA application due to Petitioner's failure to verify a disability.

4. As of June 3, 2024, Petitioner had not returned a MSQ to MDHHS.
5. On July 29, 2024, Petitioner requested a hearing to dispute the denial of SDA benefits.

CONCLUSIONS OF LAW

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. SDA policies are contained in the Bridges Administrative Manual (BAM), Bridges Eligibility Manual (BEM), and Reference Tables Manual (RFT).

Petitioner requested a hearing to dispute a denial of SDA benefits. Exhibit A, pp. 3-4. Petitioner applied for SDA on [REDACTED] [REDACTED] 2024. Exhibit A, pp. 5-17. A Notice of Case Action dated June 3, 2024, stated that Petitioner was denied SDA due to failing to verify a disability. Exhibit A, pp. 17-21

For SDA applications, MDHHS is to complete a MD-VCL requesting the following required verifications from the applicant: Medical-Social Questionnaire (DHS-49-F), Reimbursement Authorization (DHS-3975), Authorization to Release Protected Health Information (DHS-1555), and verification of a Social Security Administration application/appeal. BAM 815 (April 2018) p. 4. The client or authorized representative must complete all sections of the DHS-49-F, Medical-Social Questionnaire. *Id.* This form is mandatory. *Id.* If requested mandatory forms are not returned, MDHHS cannot determine the severity of the disability and is to deny the application or place an approved program into negative action for failure to provide required verifications. *Id.*

MDHHS mailed Petitioner a MD-VCL on March 29, 2024, requesting proof of various documents. Exhibit B, pp. 1-2. Requested documents included an MSQ, a Medical Needs form (54-A), and a Reimbursement Authorization (DHS-1555). The due date for Petitioner to return the requested documents was April 8, 2024. MDHHS testified that Petitioner returned most requested documents, though some were incomplete. MDHHS also testified that Petitioner's incomplete documents could have been overlooked, but Petitioner's failure to return a MSQ justified denying SDA benefits.

Petitioner's testimony expressed uncertainty about what forms were received and returned. Thus, Petitioner aptly neither accepted nor refuted MDHHS's theory that an MSQ was sent and unreturned.

During the hearing, the evidence established that Petitioner returned a Medical Examination Report (DHS-49) which happened to not be among the checked documents on the MD-VCL. Consideration was given to MDHHS sending Petitioner a DHS-49 instead of a DHS-49F. However, MDHHS credibly testified that both forms were "central printed" on the date that the MD-VCL was mailed. A central printing is


indicative of an automated printing and mailing; in other words, unless MDHHS's database erred, the MSQ was properly prepared for mailing and sent to Petitioner with the MD-VCL.

The evidence established that MDHHS properly requested from Petitioner required verifications for an SDA application including an MSQ. The evidence further established that Petitioner failed to return the MSQ before the SDA denial date. Thus, MDHHS properly denied Petitioner's application for SDA due to a failure to verify a disability.

DECISION AND ORDER

The administrative law judge, based upon the above findings of fact and conclusions of law, finds that MDHHS properly denied Petitioner's application for SDA dated [REDACTED] 2024. The actions taken by MDHHS are **AFFIRMED**.

CG/nr



Christian Gardocki
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

Trista Waishkey
Washtenaw County DHHS
22 Center Street
Ypsilanti, MI 48198

MDHHS-Washtenaw-Hearings@michigan.gov

Interested Parties

BSC4
L. Karadsheh
MOAHR

Via-First Class Mail :

Petitioner

[REDACTED]
[REDACTED]
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