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GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
SUZANNE SONNEBORN
EXECUTIVE DIRECTOR

MARLON I. BROWN, DPA
DIRECTOR

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Date Mailed: October 8, 2024
MOAHR Docket No.: 24-009068
Agency No.: ██████████
Petitioner: ██████████

ADMINISTRATIVE LAW JUDGE: Linda Jordan

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 held on September 12, 2024, via teleconference. Petitioner appeared and represented herself. Jennifer Richard, Assistance Payments Specialist, appeared on behalf of the Michigan Department of Health and Human Services (MDHHS or Department). MDHHS’ Hearing Packet was admitted into evidence at the hearing as MDHHS Exhibit A, pp. 1-37.

ISSUE

Did MDHHS properly determine Petitioner’s eligibility for cash assistance/State Disability Assistance (SDA)?

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 ██████████ 2022, the Disability Determination Service (DDS) determined that Petitioner was not disabled (Exhibit A, pp. 5-6).
2. On ██████████ 2024, Petitioner applied for cash assistance alleging a disability or a physical/mental/emotional health condition (Exhibit A, pp. 25-27).
3. On July 25, 2024, MDHHS sent Petitioner a Notice of Case Action denying her application for cash assistance, effective August 16, 2024 ongoing (Exhibit A, p. 31).

4. On August 1, 2024, Petitioner requested a hearing regarding the denial of her application for cash assistance (Exhibit A, p. 3).
5. On August 12, 2024, MDHHS sent Petitioner a Medical Determination Verification Checklist for State Disability Assistance (SDA) (Exhibit A, p. 35).

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. MDHHS administers the SDA program pursuant to 42 CFR 435, MCL 400.10 and Mich Admin Code, R 400.3151-.3180.

In this case, MDHHS denied Petitioner's application for SDA because it alleged that she was required to verify new or worsening medical conditions and that she failed to do so.

The Disability Determination Service (DDS) develops and reviews medical evidence for disability and/or blindness and certifies the client's medical eligibility for assistance. BAM 815 (April 2018), p. 1. If a client's previous DDS and/or SSA medical determination was not approved, the client has to prove a new or worsening condition in order to start the medical determination process again. *Id.*, p. 7. MDHHS must request a DHS-49 for physical conditions and a DHS-49-D/E for mental health conditions. *Id.* Clinical notes from the treating physician that the condition has worsened may also be used. *Id.* MDHHS must request verification when required by policy or when information regarding an eligibility factor is unclear, incomplete, inconsistent or contradictory. BAM 130 (May 2024), p. 1.

Here, MDHHS determined that Petitioner was not eligible for SDA because DDS previously found her not disabled in 2022 (Exhibit A, p. 5). However, MDHHS should have given Petitioner an opportunity to present evidence regarding new or worsening medical conditions prior to issuing a denial. It failed to show that it did so here.

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 failed to satisfy its burden of showing that it acted in accordance with Department policy when it denied Petitioner's application for SDA.

DECISION AND ORDER

Accordingly, the Department's decision is **REVERSED**. MDHHS 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. Reprocess Petitioner's [REDACTED] 2024 application for cash assistance/SDA, requesting additional information regarding her medical conditions, as required;
2. Issue supplemental payments for any cash assistance benefits that Petitioner was eligible to receive, but did not, based on the [REDACTED] 2024 application; and
3. Notify Petitioner of its decision in writing.

LJ/pt



Linda Jordan
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
Kimberly Kornoelje
Kent County DHHS
121 Martin Luther King Jr St SE
Grand Rapids, MI 49507
MDHHS-Kent-Hearings@michigan.gov

Interested Parties

BSC3
L. Karadsheh
MOAHR

Via First Class Mail:

Petitioner

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