



GRETCHEN WHITMER
GOVERNOR

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

MARLON I. BROWN, DPA
DIRECTOR

[REDACTED]

Date Mailed: February 11, 2025
MOAHR Docket No.: 24-012920
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Caralyce M. Lassner

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 by telephone on January 13, 2025. Petitioner was represented by their Authorized Hearing Representative (AHR) and legal guardian, Sabina Passmore. The Department of Health and Human Services (Department) was represented by Angela Ware, Eligibility Specialist.

ISSUE

Did the Department properly deny Petitioner's [REDACTED] 2024 State Disability Assistance (SDA) application for failure to provide requested verifications?

FINDINGS OF FACT

The Administrative Law Judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:

1. Since [REDACTED] 2023, Petitioner has been a legally incapacitated individual, as determined by the [REDACTED] Court, and has had a full guardian. (Exhibit A, pp. 8 – 9).
2. On [REDACTED] 2024, the Department received an application for SDA benefits from Petitioner.
3. On August 7, 2024, the Department sent a Medical Determination Verification Checklist (VCL) to Petitioner that requested proof of pending Social Security Administration (SSA) disability benefit application or scheduled appointment to apply for benefits, and requested Petitioner return a completed medical social questionnaire, reimbursement authorization, and authorization to release protected health information. (Exhibit A, p. 18).

4. On August 21, 2024, the Department received a copy of a Notice of Disapproved Claim sent to Petitioner by SSA. (Exhibit A, pp. 20 – 24).
5. Petitioner provided all other requested documents to the Department.
6. On September 6, 2024, the Department sent a Notice of Case Action (NOCA) to Petitioner that denied Petitioner's application for SDA benefits.
7. On November 7, 2024, the Department received a request for hearing from Petitioner disputing the denial of her SDA benefits application. The request for hearing included a copy of a Request for Reconsideration submitted to the SSA by Petitioner. (Exhibit A, pp. 3 – 5, 7).
8. On December 13, 2024, the Department received a completed DHS-1552, which verified that Petitioner had an application for SSI under reconsideration by SSA as of August 12, 2024 and that the reconsideration remained pending.

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 requested a hearing to dispute the denial of her SDA benefits application. The Department denied Petitioner's SDA benefits application for failure to meet the SSA's disability criteria for cash assistance.

When the client applies for SDA benefits and claims a disability, the Department must verify the client's claim to determine eligibility. BEM 261 (April 2017), pp. 1, 5. To obtain verification, the Department must tell the client what verification is required, how to obtain it, and the due date. BAM 130 (May 2024), p. 3. SDA applicants who do not already have an SSA approval must provide verification of an SSA application or appeal, among other documents. BAM 815 (April 2018), p. 8. 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, p. 1.

In this case, the Department testified that it received all required documents from Petitioner as of December 13, 2024 and that reevaluation of Petitioner's application was necessary. Therefore, based on the Department's testimony, the undersigned finds that

the Department failed to meet its burden that it acted in accordance with Department policy when it denied Petitioner's application for 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 failed to meet its burden that it acted in accordance with Department policy when it denied Petitioner's [REDACTED] 2024 application for SDA benefits.

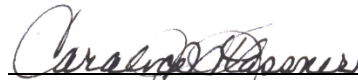
DECISION AND ORDER

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. Redetermine Petitioner's eligibility for SDA benefits under the [REDACTED], 2024 application, requesting verifications if necessary;
2. If Petitioner is determined disabled and otherwise eligible, issue SDA supplements to Petitioner for benefits she is eligible to receive from July 31, 2024 ongoing; and,
3. Notify Petitioner in writing of its decision.

CML/mp



Caralyce M. Lassner
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
Tracy Felder
Wayne-Southwest-DHHS
2524 Clark Street
Detroit, MI 48209
MDHHS-Wayne-41-
Hearings@michigan.gov

Interested Parties

L. Karadsheh
MOAHR
BSC4

Petitioner

[REDACTED]

Via-First Class Mail:

Authorized Hearing Rep.

[REDACTED]