



GRETCHEN WHITMER
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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██████████, MI ██████████

Date Mailed: February 3, 2025
MOAHR Docket No.: 24-013628
Agency No.: ██████████
Petitioner: ██████████ ██████████

ADMINISTRATIVE LAW JUDGE: Julia Norton

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 telephone hearing was held on January 29, 2025. Petitioner was present and self-represented. The Department of Health and Human Services (Department) was represented by Princess Ogundipe, Assistance Payment Supervisor.

ISSUE

Did the Department properly determine Petitioner's eligibility 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 ██████████ 2024, the Department received Petitioner's application for Medicaid (MA) coverage, Food Assistance Program (FAP), Cash Assistance, Child Development and Care (CDC) and State Emergency Relief (SER). Petitioner reported that she was a United States citizen and lived alone. Exhibit A, pp. 15-29.
2. Petitioner is ██████ years old.
3. Petitioner is not married, has no children and is not pregnant.
4. Petitioner is a United States citizen and moved to Michigan from Louisiana in 2021.
5. On November 20, 2024, the Department sent Petitioner a medical determination Verification Checklist (VCL) with a due date of December 2, 2024, requesting proof

of Social Security Administration (SSA) benefits, including an application or appeal of a denial of benefits.

6. On November 20, 2024, Petitioner and the Department completed a phone interview for cash assistance and Petitioner reported she was a United States citizen, living alone, not pregnant and did not have a disability. Exhibit A, pp. 58-64.
7. On November 20, 2024, the Department sent to the Social Security Administration (SSA) Pontiac location a Verification of Application or Appeal for Supplemental Security Income (SSI)/Retirement, Survivors or Disability Income (RSDI). Exhibit A, pp. 13-14.
8. On December 2, 2024, the Department received from Petitioner a Reimbursement Authorization, Authorization to Release Protected Health Information, medical records, and a Medical Social Questionnaire. Exhibit A, pp. 30-57.
9. On December 5, 2024, the Department received from SSA verification that Petitioner had applied for RSDI benefits on June 2, 2023 and was denied on February 15, 2024. Exhibit A, pp. 13-14.
10. On December 5, 2024, the Department sent Petitioner a Notice of Case Action (NOCA) informing Petitioner that she was not eligible for cash assistance. Exhibit A, pp. 8-11.
11. On December 6, 2024, the Department received Petitioner's request for hearing disputing the Department's determination of her eligibility for cash assistance. Exhibit A, pp. 6-7.

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).

FIP

The Family Independence Program (FIP) was established pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Pub. L. No. 104-193, and 42 USC 601 to 679c. The Department (formerly known as the Department of Human Services) administers FIP pursuant to 45 CFR 233-260, MCL 400.10, the Social Welfare Act, MCL 400.1-.119b, and Mich Admin Code, R 400.3101-.3131.

In this case, Petitioner disputed the denial of her eligibility for FIP. The Department explained it denied her application because Petitioner did not meet the eligibility requirements.

As a condition of FIP eligibility, both the following must be true: the group must include a dependent child who lives with a legal parent, stepparent or other qualifying caretaker and the group cannot include an adult who has accumulated more than 60 TANF funded months, beginning October 1, 1996 or any other time limits in the Family Independence Program. BEM 210 (July 2021), p. 1. A dependent child is an unemancipated child who lives with a caretaker and is one of the following: under age 18 or age 18 and a full-time high school student. BEM 210, p. 2.

Here, Petitioner testified that she lives alone and does not have children. Because Petitioner does not meet the eligibility requirements for FIP, the Department acted in accordance with Department policy when it denied Petitioner's eligibility for FIP.

SDA

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.

In this case, Petitioner disputed the denial of her eligibility for SDA. The Department explained it denied her application because Petitioner did not meet the eligibility requirements. The Department clarified that although the NOCA indicated that SDA was denied because Petitioner did not return the verification of disability, the Department based its denial on the Verification of Application or Appeal for SSI/RSDI received from SSA on December 5, 2024.

SDA is a cash program for individuals who are not eligible for FIP and are disabled or the caretaker of a disabled person. BEM 214 (April 2019), p. 1. To receive SDA, a person must be disabled, caring for a disabled person, or age 65 or older. BEM 261 (April 2017), p. 1. A person is disabled for SDA purposes if he or she meets any of the following criteria: receives other specified disability-related benefits or services; resides in a qualified Special Living Arrangement (SLA) facility; is certified as unable to work due to mental or physical disability for at least 90 days from the onset of the disability; or is diagnosed as having Acquired Immunodeficiency Syndrome (AIDS). BEM 261, pp. 1-2. When the person does not meet one of the criteria under other benefits or services or special living arrangements, the Department is to seek a Medical Determination from the Disability Determination Service (DDS). The DDS will gather and review the medical evidence and either certify or deny the disability claim based on the medical evidence. BEM 261, p. 4; BAM 815 (January 2025), p. 1. Individuals applying for SDA must apply for or appeal benefits through the SSA if claiming disability and/or blindness. BAM 815 (January 2025), pp. 1-2. Further, verification must be obtained from SSA that an application or appeal for SSA disability benefits is on file before the case is referred to

the DDS. BEM 270 (January 2025), p. 7. SSA's final determination that a client is not disabled and/or blind supersedes DDS's certification. BAM 815, p. 2.

Here, Petitioner is not 65 years or older and presented no evidence that she is caring for a disabled person. No evidence was presented that Petitioner is receiving other specified disability-related benefits, resides in a qualified SLA facility, is certified as unable to work due to mental or physical disability or was diagnosed as having AIDS. The Department presented a Verification of Application or Appeal for SSI/RSDI from SSA. The Verification requested the status of Petitioner's SSA application or appeal. The SSA indicated that Petitioner's application for RSDI benefits was denied on February 15, 2024. Exhibit A, pp. 13-14. There was no evidence that Petitioner appealed the denial, the time for an appeal had lapsed, and there was no evidence that Petitioner had applied for SSI benefits based on a disability. Based on the document from SSA, the Department explained that Petitioner did not meet the eligibility requirements for SDA. Because policy provides that eligibility for SDA requires that a client have an application or appeal for SSA disability benefits on file and the Department received verification from SSA that Petitioner's application was denied and she had not appealed, the Department acted in accordance with Department policy when it denied Petitioner's eligibility for SDA.

RCA

The refugee assistance programs are federal programs which help refugees to become self-sufficient after their arrival in the United States. Refugee Cash Assistance (RCA) is a cash program for refugees who are not eligible for FIP. BEM 630 (April 2023), p. 1. RCA is available only during the twelve months immediately following the refugee's date of entry into the United States or date asylum is granted. *Id.*

In this case, Petitioner disputed the denial of her eligibility for RCA. The Department explained it denied her application because Petitioner did not meet the eligibility requirements.

Only a person who is a refugee (or is treated as a refugee) *and* who is *not* a United States citizen can be eligible for RCA. BEM 630, p. 2 (emphasis added).

Here, Petitioner's application reported she was a United States citizen and a "refugee/asylee". Exhibit A, p. 17. At the hearing, Petitioner testified she is from Louisiana and moved to Michigan in 2021. Petitioner presented no evidence to refute her own assertion of United States citizenship that she reported to the Department on her application and signed under penalty of perjury. Exhibit A, p. 23. There was no evidence that Petitioner was a refugee or asylee. Because Petitioner does not meet the eligibility requirements for RCA, the Department acted in accordance with Department policy when it denied Petitioner's eligibility for RCA.

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 determined Petitioner was not eligible for cash assistance under FIP, SDA or RCA.

DECISION AND ORDER

Accordingly, the Department's decision is **AFFIRMED**.



JN/nr

Julia Norton
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

Jared Ritch

Oakland County Pontiac-Woodward Dist.

51111 Woodward Ave 5th Floor

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MDHHS-Oakland-District-IV-Hearings@michigan.gov

Interested Parties

BSC4

B. Sanborn

L. Karadsheh

MOAHR

Via-First Class Mail :

Petitioner

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[REDACTED], MI [REDACTED]