



Date Mailed: April 11, 2025

Docket No.: 25-010397

Case No.: [REDACTED]

Petitioner: [REDACTED]

This is an important legal document. Please have someone translate the document.

هذه وثيقة قانونية مهمة. يرجى أن يكون هناك شخص ما يترجم المستند.

এটি একটি গুরুত্বপূর্ণ আইনি ডকুমেন্ট। দয়া করে কেউ দস্তাবেজ অনুবাদ করুন।

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Ky është një dokument ligjor i rëndësishëm. Ju lutem, kini dikë ta përktheni dokumentin.

[REDACTED]

HEARING DECISION

On March 10, 2025, Petitioner [REDACTED] [REDACTED] requested a hearing to dispute a State Disability Assistance (SDA) determination. As a result, a hearing was scheduled to be held on April 9, 2025. Public assistance hearings are held 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; 45 CFR 205.10; and Mich Admin Code, R 792.11002.

The parties appeared for the scheduled hearing. Petitioner appeared and represented herself. Respondent Michigan Department of Health and Human Services (Department) had Eligibility Specialist Sunshine Simonson appear as its representative. There were no other participants.

Both parties provided sworn testimony, and one exhibit was admitted into evidence. A 34-page packet of documents provided by the Department was admitted collectively as Exhibit A.

ISSUE

Did the Department properly deny Petitioner's 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:

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1. On December █ 2024, Petitioner applied for SDA from the Department. Petitioner reported in her application that she was applying for disability benefits from the Social Security Administration (SSA), and Petitioner reported in her application that she was receiving services from Michigan Rehabilitation Services (MRS).
 2. On January █ 2025, the Department mailed forms to Petitioner to obtain additional information to determine her SDA eligibility. The Department mailed the following forms to Petitioner:
 - a. A verification checklist (DHS-3503) that instructed Petitioner to provide the Department with proof of other in-state benefits. The verification checklist stated that Petitioner could provide a statement or award-letter from the SSA, a statement or letter from another state, or a DHS-4698 verification of MRS status. The verification checklist also instructed Petitioner to provide proof of her income. The verification checklist instructed Petitioner to provide her proofs to the Department by January █ 2025.
 - b. A verification of vocational rehabilitation status (DHS-4698). This form was to be completed by Petitioner and then provided to the rehabilitation agency staff to verify whether Petitioner had an individual plan for employment (IPE).
 3. On January █ 2025, the Department also mailed a verification of application or appeal for SSI/RSDI to the SSA.
 4. On February █ 2025, the Department mailed a notice of case action to Petitioner to notify her that her application for SDA was denied because she did not provide proof of her MRS as instructed.
 5. On February █ 2025, the Department received the verification of application or appeal for SSI/RSDI from the SSA, and it indicated that Petitioner did not have a pending claim or appeal with the SSA because an Appeals Council decision was issued on February █ 2025.
 6. Petitioner requested a hearing to dispute the Department's decision to deny her application for SDA.

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

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In this case, the Department denied Petitioner's application for SDA because Petitioner did not provide proof of her MRS as instructed. The Department mailed a verification checklist to Petitioner with instructions for Petitioner to provide proof of her "other in-state benefits." The Department was referring to Petitioner's MRS when it referred to her "other in-state benefits." The Department informed Petitioner that she could provide a statement or award-letter from the SSA, a statement or letter from another state, or a DHS-4698 verification of MRS status. The Department provided Petitioner with the verification of vocational rehabilitation status (DHS-4698) so that she could have it completed by the rehabilitation agency staff. The Department instructed Petitioner to provide her proof to the Department by January █ 2025, and the Department did not receive Petitioner's proof by January █ 2025.

Verification is usually required by the Department at the time of application/redetermination and for a reported change. BAM 130 (May 1, 2024), p. 1. The Department must tell a client what verification is required, how to obtain it, and the due date. *Id.* at 3. The Department must allow the client 10 calendar days to provide requested verification. *Id.* at 7. The client must obtain the verification, but the local office must assist if the client needs it and asks for help. *Id.* Verifications are only considered timely if they are received by the due date. *Id.* The Department must send a negative action notice when the client refuses to provide the verification, and the Department must send a negative action notice when the due date has lapsed and the client has failed to make a reasonable effort to provide the verification. *Id.*

Based on the evidence presented, the Department properly requested verification from Petitioner, and the Department did not receive the requested verification by the due date. Petitioner did not present sufficient evidence to establish that she was making a reasonable effort to provide the verification before the due date. Thus, the due date lapsed and Petitioner failed to make a reasonable effort to provide the verification. Therefore, the Department properly denied Petitioner's application for SDA benefits in accordance with BAM 130.

Additionally, when a client applies for SDA from the Department, the Department must obtain the client's medical records so that the Disability Determination Service (DDS) can make a disability determination. BAM 815 (January 1, 2025), p. 2. This includes verification that the client is pursuing disability benefits from the SSA. *Id.* at 3-5. The SSA provided verification that Petitioner's claim for disability benefits has been decided by the Appeals Council. Thus, Petitioner no longer has a pending claim for disability benefits with the SSA. The SSA's determination is final and supersedes the DDS's certification. *Id.* at 2. Therefore, Petitioner is ineligible for SDA benefits from the Department at this time.

DECISION AND ORDER

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 its policies and the applicable law when it denied Petitioner's SDA application.

IT IS ORDERED that the Department's decision is **AFFIRMED**.



JEFFREY KEMM
ADMINISTRATIVE LAW JUDGE

APPEAL RIGHTS: Petitioner may appeal this Hearing Decision to the circuit court. Rules for appeals to the circuit court can be found in the Michigan Court Rules (MCR), including MCR 7.101 to MCR 7.123, available at the Michigan Courts website at courts.michigan.gov. The Michigan Office of Administrative Hearings and Rules (MOAHR) cannot provide legal advice, but assistance may be available through the State Bar of Michigan at <https://lrs.michbar.org> or Michigan Legal Help at <https://michiganlegalhelp.org>. A copy of the circuit court appeal should be sent to MOAHR. A circuit court appeal may result in a reversal of the Hearing Decision.

Either party who disagrees with this Hearing Decision may also send a written request for a rehearing and/or reconsideration to MOAHR within 30 days of the mailing date of this Hearing Decision. The request should include Petitioner's name, the docket number from page 1 of this Hearing Decision, an explanation of the specific reasons for the request, and any documents supporting the request. The request should be sent to MOAHR

- by email to MOAHR-BSD-Support@michigan.gov, **OR**
- by fax at (517) 763-0155, **OR**
- by mail addressed to
Michigan Office of Administrative Hearings and Rules
Rehearing/Reconsideration Request
P.O. Box 30639
Lansing Michigan 48909-8139

Documents sent via email are not secure and can be faxed or mailed to avoid any potential risks. Requests MOAHR receives more than 30 days from the mailing date of this Hearing Decision may be considered untimely and dismissed.

Via Electronic Mail:

Respondent

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KARADSHEHL

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MOAHR

Via First Class Mail:

Petitioner

