

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF: [REDACTED]

Claimant

Reg. No: 2008-21052

Issue No: 4008

Case No. [REDACTED]

Load No: [REDACTED]

Hearing Date:

March 26, 2009

Genesee County DHS

ADMINISTRATIVE LAW JUDGE: Tyra L. Wright

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9; and MCL 400.37 upon Claimant's request for a hearing. After due notice, a hearing was held on March 26, 2009. Claimant and her husband personally appeared and testified. An eligibility specialist represented the Department.

ISSUE

Did the Department properly close Claimant's State Disability Assistance (SDA) case after the death of her disabled mother?

FINDINGS OF FACT

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

- (1) Claimant had been the caretaker for her mother, who was disabled. As a result of being her mother's caretaker, Claimant was an SDA recipient. She received a monthly SDA benefit allotment of [REDACTED]
- (2) The Department closed Claimant's SDA case after her mother's death in [REDACTED]

- (3) Claimant received a Notice of Case Action dated May 16, 2008 stating that her SDA case would close effective May 28, 2008.
- (4) Claimant disagreed with the Department on the grounds that she believed she was eligible for SDA benefits.
- (5) Claimant requested a hearing on May 20, 2008.

CONCLUSIONS OF LAW

The State Disability Assistance (SDA) program which provides financial assistance for disabled persons is established by 2004 PA 344. The Department of Human Services (formerly known as the Family Independence Agency) administers the SDA program pursuant to MCL 400.10, et seq., and MAC R 400.3151-400.3180. Department policies are found in the Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

Required Actions When Closing FIP/SDA

FIP and SDA Only

When FIP or SDA closes due to ineligibility (other than death or inability to locate), the client might remain eligible for MA and/or FAP.

Determine if MA eligibility exists under any other MA category before terminating MA for FIP recipients. Determine continued AMP eligibility before terminating AMP for an SDA recipient.

Do **not** cancel FAP benefits **solely** because FIP/SDA closes. Determine continued FAP eligibility.

Do **not** shorten the FAP benefit period when FIP/SDA closes due to failure to cooperate in the review process. Rather, let the benefit period expire. See [PAM 210](#). (PAM 105, p. 12)

In this case, the Department did not provide evidence that a Department worker determined AMP or MA eligibility before closing Claimant's SDA case as required by

PAM 105. Therefore, it is found that the Department improperly closed Claimant's SDA case after the death of her disabled mother.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department improperly closed Claimant's SDA case.

Accordingly, the Department's decision is REVERSED. The Department is ORDERED to determine whether Claimant is eligible for AMP or MA benefits and reimburse Claimant for any SDA benefits she would have received during the time that the case was improperly closed.

/s/

Tyra L. Wright
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 04/06/09

Date Mailed: 04/07/09

NOTICE: Administrative Hearings may order a rehearing or reconsideration on either its own motion or at the request of a party within 30 days of the mailing date of this Decision and Order. Administrative Hearings will not order a rehearing or reconsideration on the Department's motion where the final decision cannot be implemented within 90 days of the filing of the original request.

The Claimant may appeal the Decision and Order to Circuit Court within 30 days of the mailing of the Decision and Order or, if a timely request for rehearing was made, within 30 days of the receipt date of the rehearing decision.

TW/dj

cc:

[Redacted list of recipients]