

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: 2009-23901

Issue No: 4008

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

March 2, 2010

Sanilac County DHS

ADMINISTRATIVE LAW JUDGE: Janice G. Spodarek

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 telephone evidentiary hearing was held on March 2, 2010.

ISSUE

Did Department of Human Services (DHS) properly propose to close claimant's State Disability Assistance (SDA) on the grounds that claimant no longer was working with Michigan Rehabilitation Services (MRS)?

FINDINGS OF FACT

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

- (1) In February, 2008 claimant began working with MRS.
- (2) Pursuant to claimant's active MRS case, the DHS opened an SDA case on behalf of claimant.

(3) In March, 2009, the DHS reviewed claimant's SDA case. A Verification of MRS Status (DHS-4698) was returned indicating that claimant's case was not active since 12/17/08.

(4) On 4/1/09 the DHS issued a Benefit Notice (DHS-176) informing claimant that his SDA will close 4/13/09 for the following reason: "State disability will close for you due to you no longer being active with MRS – your active status ended on 12/17/08."

(5) On 4/7/09 claimant filed a timely hearing request. The department reinstated the action pending the outcome of the hearing.

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 (DHS or department) 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).

Applicable policy and procedure to the case herein is found primarily in BEM Item 261 – Disability-SDA. That item indicates that individuals are automatically eligible for SDA in situations where they have an active MRS case. BEM Item 261, pg. 2.

In this case, claimant's eligibility for SDA was based upon an active MRS case. However, at review in March, 2009, MRS indicated that claimant's case had closed in December, 2008. These facts were un-refuted on the record.

As claimant no longer had an active MRS case, the department correctly proposed to close claimant's SDA on the grounds that there was no longer any eligibility pursuant to state policy. The department's actions were correct and must be upheld.

DECISION AND ORDER

The department correctly proposed to close claimant's SDA on the grounds that claimant no longer had an active MRS case.

Accordingly, the department's proposed closure of claimant's SDA was correct and is hereby upheld. The department may take its actions.

/s/

Janice G. Spodarek
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: April 16, 2010

Date Mailed: April 16, 2010

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.

JS/lk

cc:

