

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: 2009-25575

Issue No: 4013

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

October 13, 2009

St. Clair County DHS

ADMINISTRATIVE LAW JUDGE: Janice 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 hearing was held on October 13, 2009.

ISSUE

Did the Department of Human Services (DHS) properly close claimant's State Disability Assistance (SDA) on the basis of excess income?

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 has been receiving SDA since January, 2009, per an SDA approval by the MRT.
- (2) At the time of case opening, no income was budgeted.

(3) Subsequent notification indicated that claimant's spouse began receiving UCB in January, 2009. The DHS ran an SDA budget including claimant's spouse's UCB income of \$388 per week. The SDA budget shows excess income.

(4) On 4/16/09, the DHS issued notice of closure of the SDA program due to excess income.

(5) On 5/6/09, claimant filed a hearing request. The action took place.

(6) There is no recoupment action from the instant case herein.

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).

Group composition policy is found in BEM Item 214. This Item indicates that claimant and claimant's spouse are part of the mandatory group for SDA eligibility. Thus, in order to determine eligibility, the department is required to assess all countable income and assets of mandatory group members.

In this case, credible and substantial evidence on the record indicates that claimant's spouse collects unemployment income which began in January, 2009. As such, there is excess income in this group for SDA eligibility. Under state policy and statute, there is no SDA eligibility and thus, the department was required to close the SDA case. (See SDA Annual Appropriations Act, Legal Base.)

It is noted that while there was some discussion at the administrative hearing with regards to recoupment, there has been no action taken with regards to this. If there is, claimant will be

receiving notice with explanation of hearing rights associated with any possible action in the future.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department's actions were correct.

Accordingly, the department's closure of claimant's SDA due to excess income was correct and is hereby UPHELD.

/s/

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

Date Signed: October 22, 2009

Date Mailed: October 26, 2009

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 mailing date of the rehearing decision.

JS/cv

cc:

