

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: 2009-29199
Issue No: 4013
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
April 22, 2010
Ingham County DHS

ADMINISTRATIVE LAW JUDGE: Ivona Rairigh

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 April 22, 2010. Claimant personally appeared and testified.

ISSUE

Did the department correctly terminate claimant's State Disability Assistance (SDA) benefits in June, 2009?

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 was an SDA recipient when she began receiving Social Security income of \$606 per month. (Department's Exhibit 6).
2. Department then completed an SDA budget and determined that the claimant had excess income for this program.

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3. Department sent the claimant a notice that her SDA benefits will terminate effective July 1, 2009. Claimant requested a 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 Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Program Reference Manual (PRM).

Departmental policy states that the eligible group must be in financial need to receive benefits. Need is determined to exist when budgetable income is less than the payment standard established by the department. The payment standard is the maximum benefit amount that can be received by the group. It is for shelter, heat, utilities, clothing, food and items for personal care. Income is subtracted from the payment standard to determine the grant amount. BEM 515.

SDA payment standard for the claimant is \$269 per month. RFT 225. Claimant receives Social Security income of \$606 per month that must be budgeted against her SDA payment standard. BEM 503. Claimant therefore has excess income for SDA, as correctly determined by the department.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department correctly terminated claimant's SDA benefits in June, 2009.

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Accordingly, department's action is AFFIRMED, and it is SO ORDERED.

/s/ _____
Ivona Rairigh
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: April 29, 2010

Date Mailed: April 29, 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.

IR/tg

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