

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.: 2009-31668
Issue No.: 4011
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date:
November 16, 2009
Wayne County DHS (73)

ADMINISTRATIVE LAW JUDGE: Colleen M. Mamelka

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 Hearing received by the Department on May 20, 2009. After due notice, a telephone hearing was conducted from Detroit, Michigan on November 16, 2009. The Claimant appeared and testified. [REDACTED] appeared on behalf of the Department.

ISSUE

Whether the Department properly failed to issue the Claimant's full benefit amount for the month of May 2009?

FINDINGS OF FACT

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

1. The Claimant is a MA, SDA, and FAP recipient. (Exhibit 1, pp. 21 – 31, 38 – 40)
2. On April 14, 2009, the Department recalculated the Claimant's SDA budget to determine ongoing eligibility. (Exhibit 1, pp. 12, 13)

3. On this same date, the Department sent the Claimant notification that her monthly SDA benefit amount remained at \$269.00. (Exhibit 1, p. 5, 14)
4. The Bridges Benefit Summary Inquiry shows that the Claimant received \$269.00 in April; \$134.50 on May 7th; and \$134.50 on May 20th. (Exhibit 1, p. 4)
5. On May 20th, the Department received the Claimant's written request for hearing asserting that her May 2009 benefits were short. (Exhibit 2)
6. On November 7, 2008, the MRT determined the Claimant was disabled thus approved for MA-P, Retro-MA-P, and SDA benefits. (Exhibits 26, 27)
7. As a result of the favorable determination, the Claimant's MA-P is not at issue.

CONCLUSIONS OF LAW

The State Disability Assistance ("SDA") program provides financial assistance for disabled persons. SDA was established by 2004 PA 344 and is administered by the Department of Human Services ("DHS"), formally known as the Family Independence Agency, pursuant to MCL 400.10 *et seq*, and MAC R 400.3151 – 400.3180. Departmental policies are found in the Program Administrative Manual ("PAM")/Bridges Administrative Manual ("BAM"), the Program Eligibility Manual ("PEM")/Bridges Eligibility Manual ("BEM"), and the Program Reference Manual ("PRM")/Bridges Program Glossary ("BPG").

In the record presented, the Claimant contends that she contacted "customer service" and was informed that her SDA benefits were short on her May 7, 2009 allotment. Based on the request for hearing, the Claimant (prior to the May 7th payment) had a balance of \$66.75. The record established that the Claimant received \$134.50 on May 7th, which is one-half of the entire monthly allotment of \$269.00. The request for hearing provides that the Claimant's balance was \$201.25 which would have been prior to the second allotment but after the first one. In adding

\$134.50 plus \$66.75 (balance the Claimant stated she had prior to the payment) the total equals \$201.25 which is what the Claimant states was her balance on the request for hearing. On May 20th, the record established that the Claimant received the second half of her allotment for a total monthly amount of \$269.00. There was no shortage. Ultimately, the Department established it acted in accordance with Department policy when it issued the Claimant's monthly SDA benefits for the month of May 2009. The Department's actions are AFFIRMED.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that the Department acted in accordance with Department policy when it issued the Claimant's May 2009 SDA benefits.

Accordingly, it is ORDERED:

The Department's actions are AFFIRMED.

Colleen M. Mamelka

Colleen M. Mamelka
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 12/08/09

Date Mailed: 12/08/09

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 receipt 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.

CMM/jlg

cc:

