

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: 2009-6071

Issue No: 4031

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

October 7, 2009

Genesee County DHS

ADMINISTRATIVE LAW JUDGE: Carmen G. Fahie

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 Wednesday, October 7, 2009. The claimant personally appeared and testified on his own behalf with his mother, [REDACTED] as a witness.

ISSUE

Whether the department appropriately denied the claimant's State Disability Assistance application based on disability because the claimant stated that he was not disabled?

FINDINGS OF FACT

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

(1) On October 16, 2008, the claimant applied for SDA benefits. The claimant answered question 10 on page 7 that he was able to work—yes. (Department Exhibit 1)

(2) On October 17, 2008, the department caseworker determined that the claimant was able to work and, therefore, not considered disabled. (Department Exhibit 2)

(3) On October 17, 2008, the department caseworker sent the claimant a denial notice that the claimant did not meet the criteria for SDA because of disability because the claimant was able to work.

(4) On October 31, 2008, the department received a hearing request from the claimant, contesting the department's negative action.

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).

The department manuals provide the following relevant policy statements and instructions for caseworkers:

DISABILITY – SDA

DEPARTMENT POLICY

SDA

To receive SDA, a person must be disabled, caring for a disabled person, or age 65 or older.

Note: There is no disability requirement for AMP. PEM 261, p. 1.

DISABILITY

A person is disabled for SDA purposes if he:

- . receives other specified disability-related benefits or services, or
- . resides in a qualified Special Living Arrangement facility, or
- . is certified as unable to work due to mental or physical disability for at least 90 days from the onset of the disability.
- . is diagnosed as having Acquired Immunodeficiency Syndrome (AIDS).

If the client's circumstances change so that the basis of his/her disability is no longer valid, determine if he/she meets any of the other disability criteria. Do NOT simply initiate case closure. PEM, Item 261, p. 1.

In the instant case, the claimant applied for SDA benefits on October 16, 2008. However, the claimant stated on his application that he could work, which made him ineligible for SDA benefits based on disability. As a result, the department caseworker sent the claimant a denial notice on October 17, 2008.

Therefore, the department has established that it was acting in compliance with department policy when it determined that the claimant was not eligible for SDA benefits because he was not disabled and he was able to work.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department appropriately denied the claimant's State Disability Assistance application because the claimant stated that he could work and was, therefore, not disabled.

Accordingly, the department's decision is **AFFIRMED**.

/s/
Carmen G. Fahie
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: October 27, 2009

Date Mailed: October 27, 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 receipt date of the rehearing decision.

CGF/vmc

cc:

