

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: 2009-758
Issue No: 4031
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
January 29, 2009
Huron County DHS

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 September 18, 2008. After due notice, a telephone hearing was conducted from Detroit, Michigan on January 29, 2009. The Claimant appeared and testified. [REDACTED] appeared on behalf of the Department.

ISSUE

Whether the Department properly denied the Claimant's State Disability Assistance ("SDA") July 18, 2008 application.

FINDINGS OF FACT

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

1. On July 18, 2008, the Claimant submitted a public assistance application seeking Medical Assistance ("MA") and State Disability Assistance benefits. (Exhibit 158)

2. On September 10, 2008, the Medical Review Team determined the Claimant was not disabled finding the Claimant's impairment(s) did not prevent employment of 90 days or more for SDA purposes, and finding the impairment(s) as non-severe for MA-P purposes.

(Exhibits 1, 2)

3. On September 15, 2008, the Department sent an eligibility notice to the Claimant informing him that his MA-P and SDA benefits were denied. (Exhibit 158)

4. On September 18, 2008, the Department received the Claimant's written hearing request protesting the Department's determination. (Exhibit 157)

5. On October 1st, the Claimant re-applied for MA-P and SDA benefits.

6. On October 15, 2008, the State Hearing Review Team ("SHRT") found the Claimant not disabled.

7. 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)

8. 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"), the Program Eligibility Manual ("PEM"), and the Program Reference Manual ("PRM").

A person is disabled for SDA purposes if he:

- Receives other specified disability-related benefits or services, (RSDI, SSI, MA, MRS, Special Education Services, or a refugee or asylee who lost eligibility for SSI due to exceeding the maximum time limit), 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.

PEM 261, pp. 1, 2 If a client's circumstances change so that the basis of his/her disability is no longer valid, the Department will determine if the individual meets any other disability criteria prior to initiating closure. PEM 261, p. 1 When a person does not meet one of the criteria listed above, medical evidence of the disability is obtained and submitted to the Disability Examiner for a determination. PEM 261, p. 3 The Examiner reviews the medical evidence and either certifies or denies the disability claim based upon the medical evidence. *Id.*

In the record presented, the Claimant was approved for MA-P and Retro MA-P based upon the October 1, 2008 application. Based on this approval, the Claimant received MA-P effective July 2008. A person is disabled for SDA purposes if he receives other specified disability-related benefits. Such is the case here. Accordingly, the Department's SDA determination is REVERSED.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that the Department's SDA determination is not upheld.

Accordingly, it is Ordered:

1. The Department's September 15, 2008 denial of SDA benefits is REVERSED.

2. The Department shall reprocess the Claimant's July 18, 2008 SDA application in accordance with department policy.
3. The Department shall supplement the Claimant for any lost benefits he was otherwise entitled to receive in accordance with department policy.

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

Date Signed: February 2, 2009

Date Mailed: February 5, 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 60 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

cc:

