

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

██████████

Claimant

Reg. No.: 2009-15110

Issue No.: 4000

Case No.: ██████████

Load No.: ██████████

Hearing Date:

February 3, 2010

Macomb County DHS (20)

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 December 29, 2008. After due notice, a hearing was held in Warren, Michigan on Wednesday, February 3, 2010. The Claimant appeared and testified. ██████████ appeared on behalf of the Department.

ISSUE

Whether the Department properly terminated the Claimant's State Disability Assistance ("SDA") benefits effective January 13, 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 SDA recipient.
2. On September 5, 2008, the Claimant received notification from Michigan Rehabilitative Services ("MRS") that his case was being closed due to non-participation. (Exhibit 1)

3. On December 3, 2008, the Department received notification that the Claimant's MRS case was not active. (Exhibit 2)
4. On December 22, 2008, the Department pended the Claimant's SDA case for closure effective January 3, 2009. (Exhibit 3)
5. On December 29, 2008, the Department received the Claimant's timely Hearing Request protesting the Department's proposed action. (Exhibit 3)
6. As a result of the timely hearing request, the Department deleted the proposed negative action.
7. In March 2009, the Claimant received notification from the Social Security Administration ("SSA") of his approval for RSDI with a disability onset date of July 24, 2008. (Exhibit 4)
8. There was no loss in benefits.

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"), formerly 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 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 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 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 unable to participate with the MRS program (due to a change in his medical condition) as required. Pursuant to policy, the Department pended the Claimant's SDA case for closure. Due to the timely hearing request, the proposed negative action was deleted. Subsequently, the Claimant was approved for RSDI. As a result of the timely hearing request and subsequent RSDI approval, there has been no loss of benefits. Based upon the foregoing facts and relevant law, it is found that the Department acted in accordance with policy when in pended the Claimant's SDA benefits for closure however due to the RSDI approval the issue is moot as there was ultimately no loss in benefits. Accordingly, the Claimant's request for hearing is DISMISSED.

DECISION AND ORDER

The Administrative Law Judge, based upon the above foregoing facts and relevant law, it is found that the Department acted in accordance with policy when in pended the Claimant's

SDA benefits for closure however due to the favorable SSA determination the issue is moot as there was ultimately no loss in benefits.

Accordingly, it is ORDERED:

The Claimant's Request for hearing is DISMISSED as the issue is moot.

Colleen M. Mamelka

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

Date Signed: 3/02/2010

Date Mailed: 3/02/2010

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 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

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