

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: 2009-25044

Issue No: 4031

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

October 27, 2009

Muskegon County DHS

ADMINISTRATIVE LAW JUDGE: Janice Spodarek

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 conference hearing was held on October 27, 2009.

ISSUE

Did the Department of Human Services (DHS) properly deny claimant's State Disability Assistance (SDA) application of March 31, 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) On 3/31/09, claimant applied for SDA.
- (2) On page 7 of the application, claimant stated that he was not blind or disabled and that there was no one in his household who was blind or had a disability. Exhibit 2.

(3) On 4/9/09, the DHS issued a benefit notice denying claimant's application for the following reason: "SDA/not listed with a disability or blind." Exhibit 1.

(4) On 4/16/09, claimant filed a hearing request stating he was disabled. Exhibit 3.

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).

Applicable policy and procedure is found in PEM Item 261. General application processing and verification issues are found primarily in BAM Items 115 and 130.

In this case, claimant applied for the State Disability Assistance (SDA) program. In order to be eligible for SDA, an individual must bring forth sufficient evidence to establish disability.

In this case, claimant indicated on the application that he was not disabled. As such, claimant did not establish a preliminary eligibility factor. Under state statute and policy, the department could not process a disability case as claimant indicated there was no disability.

After careful review of the substantial and credible evidence on the whole record, this Administrative Law Judge finds that the department correctly denied claimant's application on the basis of PEM Item 261.

It is noted that claimant was confused as he had received SDA in the past due to working with MRS.

Claimant is aware that he may reapply.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department's actions were correct.

Accordingly, the department's denial is hereby UPHELD.

/s/

Janice Spodarek
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: October 30, 2009

Date Mailed: November 2, 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 mailing date of the rehearing decision.

JS/cv

cc:

