

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: 2009-25293

Issue No: 4031

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

August 19, 2009

Washtenaw County DHS

ADMINISTRATIVE LAW JUDGE: Gary F. Heisler

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 hearing was held on August 19, 2009. Claimant appeared and testified.

ISSUE

Did the Department of Human Services properly deny Claimant's application for State Disability Assistance (SDA)?

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 March 5, 2009, Claimant submitted an application for State Disability Assistance (SDA).
- (2) On April 8, 2009, the Medical Review Team determined that Claimant was not eligible for State Disability Assistance (SDA) benefits.

- (3) On April 14, 2009, Claimant was sent an Application Eligibility Notice form (DHS-1150) denying his application.
- (4) On April 22, 2009, Claimant submitted a request for hearing.
- (5) On June 22, 2009, the State Hearing Review Team determined that Claimant was not eligible for State Disability Assistance (SDA) benefits.
- (6) On July 2, 2009, Claimant submitted another request for hearing based on the State Hearing Review Team decision.

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).

In this case, Claimant does not assert he is unable to work. The Medical Examination Report (form DHS-49) Claimant submitted lists no physical or mental limitations on his ability to work. Claimant asserts he is eligible for State Disability Assistance (SDA) benefits based on the fact he is HIV positive. Claimant asserts that his diagnosis meets the criteria in Bridges Eligibility Manual 261. Department policy provides the following guidance for case workers. The Department's policies are available on the internet through the Department's website.

BEM 261 DISABILITY – SDA

DEPARTMENT POLICY

SDA

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

DISABILITY

A person is disabled for SDA purposes if he:

- Receives other specified disability-related benefits or services, see Other Benefits or Services below, 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), see Medical Certification of Disability

The medical documentation Claimant submitted does indicate he is HIV positive.

However, there is no medical evidence that Claimant has been diagnosed with AIDS.

Department policy, cited above, requires a diagnosis of Acquired Immunodeficiency Syndrome (AIDS) as the criteria of disabled for SDA purposes. At the time of this application, Claimant did not meet the criteria for State Disability Assistance (SDA) benefits.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides the Department of Human Services properly denied Claimant's application for State Disability Assistance (SDA).

It is ORDERED that the actions of the Department of Human Services, in this matter, are UPHELD.

/s/

Gary F. Heisler
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: January 25, 2010

Date Mailed: January 27, 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 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.

GFH 

cc:

