

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.: 2009-26668

Issue No.: 4013

Case No.: [REDACTED]

Load No.: [REDACTED]

Hearing Date:

March 31, 2010

Macomb County DHS (12)

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 the Claimant request for hearing received. After due notice, a hearing was held in Clinton Township, Michigan on Wednesday, March 31, 2010. The Claimant appeared and testified. The Claimant was represented by [REDACTED]. [REDACTED] appeared on behalf of the Department.

ISSUE

Whether the Department properly terminated the Claimant's State Disability Assistance ("SDA") benefits due to excess income?

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 was a SDA recipient.
2. In April 2009, the Department received Verifications of the Claimant's employment.

(Exhibit 1)

3. Based on the employment verification, the Claimant worked 20 hours a week and earned \$8.00 an hour. (Exhibit 1)
4. On April 27, 2009, the Department ran the Claimant's SDA budget to include prospective monthly earnings of \$688.00. (Exhibit 2)
5. As a result of the Claimant's earnings, the Claimant was ineligible for SDA benefits due to excess income.
6. The Department sent a Notice of Case Action to the Claimant notifying him that his benefits were scheduled for closure.
7. On or about May 1, 2010, the Department received the Claimant's timely Request for Hearing. (Exhibit 3)

CONCLUSIONS OF LAW

The State Disability Assistance ("SDA") program, which provides financial assistance for disabled persons, was established by 2004 PA 344. DHS administers the SDA program pursuant to MCL 400.10 et seq. and Michigan Administrative Code ("MAC R") 400.3151 – 400.3180. Department policies are found in the Bridges Administrative Manual ("BAM"), the Bridges Eligibility Manual ("BEM"), and the Bridges Program Glossary ("BPG").

A person is considered disabled for SDA purposes if the person has a physical or mental impairment which meets federal SSI disability standards for at least ninety days. For SDA purposes, all earned and unearned income available to the Claimant is countable. BEM 500 The amount counted may be more than the client actually receives because the gross amount is used prior to any deductions. BEM 500 The Department must consider the gross benefit amount before any deduction, unless Department policy states otherwise. BEM 500 A group's monthly benefits are based in part, on a prospective income determination. BEM 505 A standard

monthly amount must be determined for each income source used in the budget. BEM 505 Weekly benefit amounts are converted to a monthly amount by multiplying the weekly amount by 4.3. BEM 505 Bi-weekly amounts are converted by multiplying the amount by 2.15. BEM 505

In the record presented, the Department re-calculated the Claimant's MA eligibility based upon prospectively budgeted gross earnings. As a result, the Claimant's budgetable income exceeded the payment standard of \$269.00. The Department notified the Claimant of the ineligibility as required by policy. Ultimately, the Department established it acted in accordance with Department policy when it terminated the Claimant's SDA benefits due to excess income.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds the Department acted in accordance with department policy when it terminated the Claimant's SDA benefits due to excess income.

Accordingly, it is ORDERED:

The Department's determination is AFFIRMED.

Colleen M. Mamelka

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

Date Signed: 4/8/2010

Date Mailed: 4/8/2010

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 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/jlg

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