

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.: 2009-29841
Issue No.: 4031
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date:
October 29, 2009
Wayne County DHS (17)

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 July 13, 2009. After due notice, a telephone hearing was conducted from Detroit, Michigan on October 29, 2009. The Claimant appeared and testified, along with her spouse, [REDACTED]. [REDACTED] and [REDACTED] appeared on behalf of the Department.

ISSUE

Whether the Department properly denied the Claimant's May 6, 2009 State Disability Assistance ("SDA") 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 May 6, 2009, the Claimant submitted a public assistance application seeking SDA benefits.

2. The Claimant's spouse receives \$674.00 in Retirement, Survivors, and Disability Insurance ("RSDI") from the Social Security Administration. (Exhibit 1, p. 2, 3)
3. The Claimant's spouse receives a quarterly State Supplemental Income ("SSI") in the amount \$42.00.
4. The Department ran the Claimant's SDA budget and determined the Claimant was not eligible due to excess income. (Exhibit 1, pp. 2 – 4)
5. On June 11, 2009, the Department sent the Claimant an Eligibility Notice informing her that she was denied SDA benefits due to excess income. (Exhibit 1, pp. 5 – 7)
6. On June 17, 2009 and July 13, 2009, the Department received the Claimant's timely written requests for hearing.

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").

For SDA purposes, all earned and unearned income available to the Claimant is countable. PEM 500 The amount counted may be more than the client actually receives because the gross amount is used prior to any deductions. PEM 500 The gross RSDI benefit amount is counted as unearned income. PEM 500

In the record presented, the Claimant submitted an application for SDA benefits. The Claimant agreed with the unearned income figures used (RSDI and SSI) yet disagreed that she

was not eligible due to excess income. Ultimately, the Department established that it acted in accordance with Department policy when it denied the Claimant's SDA application due to excess income. Accordingly, the Department's determination is AFFIRMED.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that the Department acted in accordance with Department policy when it determined the Claimant was not eligible for SDA benefits due to excess income.

Accordingly, it is ORDERED:

The Department's denial of SDA benefits is AFFIRMED.

Colleen M. Mamelka

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

Date Signed: 11/05/09

Date Mailed: 11/05/09

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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