

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.: 2009-32717
Issue No.: 4011
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date:
October 22, 2009
Wayne County DHS (15)

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 by the Department on June 4, 2009. After due notice, a telephone hearing was conducted from Detroit, Michigan on October 22, 2009. The Claimant appeared and testified. [REDACTED] appeared on behalf of the Department.

ISSUE

Whether the Department properly supplemented the Claimant for SDA benefits?

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 MA-P/SDA recipient.
2. On February 7, 2008, the Claimant submitted an application for public assistance seeking MA-P and SDA benefits. (Exhibit 1, pp. 29 – 44)
3. On October 22, 2008, a hearing was held regarding the Claimant's claim of disability.

4. On March 24, 2009, the Claimant was determined to meet the federal criteria for disability. (Exhibit 1, pp. 3 – 9)
5. As a result, the Department calculated the Claimant's SDA benefits counting the Claimant's child support income. (Exhibit 1, p. 12, 13)
6. As a result of the income, the Claimant was found not eligible for SDA due to excess income. (Exhibit 1, pp. 26 – 28)
7. On June 16, 2009, the Claimant submitted a signed statement stating that she gave \$200.00 of the \$355.53 monthly child support income to her adult disabled son. (Exhibit 1, p. 14)
8. The Department calculated the Claimant's monthly SDA benefits using the \$155.53 child support income and determined the Claimant was eligible for a monthly benefit amount of \$114.00. (Exhibit 1, pp. 17 – 25)
9. The Claimant did not receive the benefits.
10. The Department received the Claimant's written request for hearing on June 4, 2009.

CONCLUSIONS OF LAW

The Medical Assistance ("MA") program is established by Title XIX of the Social Security Act and is implemented by Title 42 of the Code of Federal Regulations ("CFR"). The Department of Human Services, formally known as the Family Independence Agency, administers the MA program pursuant to MCL 400.10, *et seq* and MCL 400.105. Department policies are found in the Program Administrative Manual ("PAM"), the Program Eligibility Manual ("PEM"), and the Program Reference Manual ("PRM").

The State Disability Assistance ("SDA") program, which provides financial assistance for disabled persons, was established by 2004 PA 344. DHS administers the SDA program

purusant to MCL 400.10 *et seq.* and Michigan Administrative Code (“MAC R”) 400.3151 – 400.3180. Department policies are found in PAM, PEM, and PRM. A person is considered disabled for SDA purposes if the person has a physical or mental impariment which meets federal SSI disability standards for at least ninety days. Receipt of SSI or RSDI benefits based on disability or blindness, or the receipt of MA benefits based on disability or blindness (MA-P) automatically qualifies an individual as disabled for purposes of the SDA program.

All countable earned and unearned income available to the client must be considered in determining the Claimant’s eligibility for program benefits. PEM 500 Child support is income to the child for who the support is paid. PEM 500 With limited exceptions not applicable in the record presented, child support income is included in a SDA budget as unearned income. PEM 500

In the record presented, the Department determined the Claimant was not eligible for SDA benefits due to excess income as a result of child support payments. The Claimant signed a statement indicating that of the \$355.53 monthly support payment, \$200.00 goes directly to her adult disabled son. As a result, the Department determined the Claimant was eligible for a monthly SDA benefit in the amount of \$109.00 for the period from March of 2008 through September 2008, and \$114.00 per month for the period from October 2008 through June 2009. The Claimant never received the retroactive benefits she was found eligible for. In light of the foregoing, the Department’s actions are not upheld.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds the Department’s actions are not upheld.

Accordingly, it is ORDERED:

1. The Department's determination is REVERSED.
2. The Department shall supplement the Claimant for SDA benefits for the period from March 2008 through June 2009 in accordance with department policy.

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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