

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: 2009-3740

Issue No: 4011

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

August 27, 2009

Ingham County DHS

ADMINISTRATIVE LAW JUDGE: Jana A. Bachman

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, an in-person hearing was held on August 27, 2009.

ISSUE

Whether the Department of Human Services (department) acted in compliance with department policy when it determined claimant's 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) October 9, 2008, claimant applied for SDA.

(2) October 13, 2008, the department prepared an SDA budget. Gross income was [REDACTED] consisting of claimant's wife's Supplemental Security Income (SSI). Claimant's countable income of [REDACTED] exceeds the payment standard for a household of two of [REDACTED] Department A.

(3) October 13, 2008, the department sent claimant's written notice that his application for SDA assistance was denied due to excess income. Department A.

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).

Department manuals provide the following policy statements and instructions for caseworkers:

SDA PROGRAM POLICY

Spouses are responsible for each other. Needy spouses living together are expected to share income, assets, and expenses.

PROGRAM ELIGIBILITY MANUAL (PEM) 214

LEGAL BASE

SDA

P.A. 368 of 1996

FIP, SDA, CDC and FAP

A group's financial eligibility and monthly benefit amount are determined using:

- actual income (income that was already received), and/or

- prospected income amounts (not received but expected).

Only countable income is included in the determination.

Program Eligibility Manual (PEM) 505

LEGAL BASE

SDA

P.A. 386 of 1996

R400.3164

SDA, CDC, AMP and FAP Only

Count the gross amount of current SSA-issued SSI as unearned income. Include SSI withheld to recoup overpayments due to an IPV as defined below.

PEM 500

LEGAL BASE

SDA

P.A. 386 of 1996

After careful examination of the record, the Administrative Law Judge finds that the department properly determined claimant has excess income to qualify for SDA. Claimant's wife's SSI is not excluded and must be counted when determining eligibility. In accordance with state and department policies, the department has established SDA issuance standards. These standards are set forth at Program Reference Table (RFT) 225 which provides that an eligible group of 2 has a monthly SDA payment standard of [REDACTED]. Claimant's countable income exceeds the SDA payment standard. At hearing, claimant asserted that he was disabled, has many health problems, and therefore should qualify for SDA. This view is not consistent with department policy as discussed above. When income exceeds the payment standard eligibility does not exist regardless of the health and/or disability of the applicant. Therefore, the department's action must be upheld. Finding of Fact 1-3; PEM 214, 500, 505.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides the Department of Human Services acted in compliance with department policy when it determined claimant's eligibility for State Disability Assistance.

Accordingly, the department's action is **HEREBY UPHeld**.

/s/

Jana A. Bachman
Administrative Law Judge
for Ismael Ahmad, Director
Department of Human Services

Date Signed: September 1, 2009

Date Mailed: September 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 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.

JAB/db

cc:

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