

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: 2009-9942
2009-19350
Issue No: 4017
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
April 22, 2010
Bay County DHS

ADMINISTRATIVE LAW JUDGE: Kevin Scully

HEARING DECISION

This matter is before the undersigned Administrative Law Judge by authority of MCL 400.9 and MCL 400.37. After due notice, a telephone hearing was held on Thursday, April 22, 2010.

ISSUE

Whether the Department of Human Services (Department) properly determined the Claimant's State Disability Assistance (SDA) eligibility?

FINDINGS OF FACT

The Administrative Law Judge, based upon the competent, material and substantial evidence on the whole record, finds as material fact:

- (1) The Claimant receives SDA benefits.
- (2) On November 18, 2008, the Department sent notice to the Claimant that her SDA benefits would be reduced for November 2008.

(3) On February 25, 2009, the Department sent notice to the Claimant that her SDA benefits would be reduced for February 2009.

(4) On November 20, 2008, the Department received the Claimant's request for a hearing, protesting the reduction of her SDA benefits.

CONCLUSIONS OF LAW

The State Disability Assistance (SDA) program which provides financial assistance for disabled persons is established by 2004 PA 344. The Family Independence Agency (FIA or agency) administers the SDA program pursuant to MCL 400.10, *et seq.*, and MAC R 400.3151-400.3180. Agency policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Bridges Reference Manual (BRM).

The Department determines asset eligibility prospectively using the asset group's assets from the benefit month. An SDA group is eligible for benefits when its countable assets are less than, or equal to, the applicable asset limit at least one day during the month being tested. Countable assets include the equity value of real property including buildings attached to the property.

In this case, the Department testified that it completed the Claimant's SDA budget using the value of a home that had been repossessed, and should not have been included in the eligibility determination. As a result, the Claimant received less SDA benefits than she was entitled to. The Department failed to establish that it acted in accordance with policy when it reduced the Claimant's SDA benefits.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department failed to establish that it acted in accordance with policy when it reduced the Claimant's SDA benefits.

The Department's SDA eligibility determination is REVERSED. It is further ORDERED that the Department shall:

1. Redetermine the Claimant's SDA eligibility for the months of November, 2008, and February, 2009.
2. Issue to the Claimant any retroactive SDA benefits she may be entitled to.
3. Notify the Claimant of her SDA eligibility for the month of November, 2008.

/s/
Kevin Scully
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: April 30, 2010

Date Mailed: April 30, 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 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.

KS/vmc

cc:

