

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.: 2010-10034
Issue No.: 2018/4008
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date:
May 3, 2010
Wayne County DHS (43)

ADMINISTRATIVE LAW JUDGE: Michael J. Bennane

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9; MSA 16409 and MCL 40037; MSA 16.437 upon the Claimants request for a hearing. After due notice, a telephone hearing was held on May 3, 2010. The Claimant personally appeared and testified.

ISSUE

Did the Department properly deny the Claimant's State Disability Assistance (SDA) case?

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 August 28, 2009, the claimant applied for Medical Assistance (MA) and State Disability Assistance (SDA). (Department exhibit 1)
2. On August 29, 2009, the department denied the claimant's MA and SDA application. (Department exhibit 8)

3. On September 16, 2009, the claimant filed a request for a hearing.

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 (formerly known as the Family Independence Agency) 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).

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 (formerly 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 Department cites PAM 261. In part PEM 261 says:

DISABILITY

A person is disabled for SDA purposes if he:

Receives other specified disability-related benefits or services, see Other Benefits or Services below, or

Resides in a qualified Special Living Arrangement facility, or

Is certified as unable to work due to mental or physical disability for at least 90 days from the onset of the disability. (PEM 261, p. 1).

And:

LIF Qualified Group

Those persons remaining in the group after applying the group composition policies above are the LIF qualified group. Also see “[LIF Groups With No Child](#)” and “[LIF Three-Generation Group](#)” below.

LIF Groups With No Child

A LIF group may be composed of adults with no dependent child in the following situations:

A pregnant woman. A LIF qualified group may be composed of a pregnant woman even if there are no eligible children. Her husband living with her must be included in the group unless he is a “LIF Excluded Person.”

The parent(s) or caretaker relative of a dependent child who would be in the LIF qualified group except that the child is an SSI recipient. The spouse of a non-parent caretaker who lives with the caretaker must be included in the group unless he is a “LIF Excluded Person.”

A non-parent caretaker relative who is a foster parent of a child. This occurs when the only dependent child would be in the LIF-qualified group except for the receipt of child foster care payments. The spouse of a non-parent caretaker who lives with the caretaker must be included in the group unless he is a “**LIF Excluded Person.**” (PEM 110, p. 2)

Here, the Claimant did not claim to be disabled, blind or unable to work on her application and she does not qualify through other means.

DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law, AFFIRMS the Department's actions in the instant case.



Michael J. Bennane
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 6/7/2010

Date Mailed: 6/7/2010

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 of the rehearing decision.

MJB/jlg

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