

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: 2010-11574

Issue No: 4019

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

April 29, 2010

Washtenaw County DHS

ADMINISTRATIVE LAW JUDGE: William A. Sundquist

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, a telephone hearing was held on April 29, 2010.

ISSUE

Was an interim repay contract established?

FINDINGS OF FACT

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

- (1) Negative case action: SDA reduction based on interim repayment by SSA to the DHS.
- (2) Claimant received SDA effective November/2008 and was approved for SSI May 1, 2009.
- (3) SSI retroactive amount was \$3970.

(4) SSA sent claimant \$2356 and DHS \$1614 as a recovered interim SDA assistance (6 months times \$269 SDA).

(5) Both parties agreed that their had to be a repay agreement by the claimant and the DHS before the DHS was entitled to the repay of \$1614; and that no repay contract was signed by the claimant.

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).

Facts above are undisputed.

SDA clients must sign an agreement to repay interim SDA when pursuing a potential benefit. BEM 272.

Signing the appropriate form is a condition of eligibility, and failure to do so results in denial or closure in order to require clients to repay SDA BEM 272.

Based on the undisputed facts above, the claimant was entitled to the interim SSI payment to the DHS of \$1614.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that an SDA interim repay contract was not established.

Accordingly, reinstatement of claimants SDA benefits (\$1614) within 10 work days is ORDERED.

/s/
William A. Sundquist
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: August 12, 2010

Date Mailed: August 12, 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.

WAS [REDACTED]

cc: [REDACTED]