

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201027195
Issue No.: 4008; 3000
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: July 19, 2010
Wayne County DHS

ADMINISTRATIVE LAW JUDGE: Aaron McClintic

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon the Claimant's request for a hearing. After due notice, a telephone hearing was held on July 19, 2010. The Claimant appeared and testified. [REDACTED], FIM and [REDACTED], ES appeared on behalf of the Department.

ISSUE

Did the Department properly close Claimant's State Disability Assistance ("SDA") benefits?

FINDINGS OF FACT

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

1. Claimant was a recipient of FAP and SDA benefits as a resident of a substance abuse treatment center.
2. Claimant completed the substance abuse treatment program in February 2010.
3. Claimant's SDA benefit increased to \$269 for March 2010.
4. Claimant's SDA benefit closed effective April 1, 2010.
5. Claimant requested hearing on March 10, 2010 contesting the closure and of SDA benefits and determination of FAP benefits.
6. Claimant testified at hearing that he is satisfied with the actions taken by the Department with regard to Food Assistance.

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 Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Program Reference manual (PRM).

Special Living Arrangements-- Persons admitted to a qualified Special Living Arrangement (SLA) facility meet the SDA disability criteria. Qualified SLA facilities are:

- Homes for the aged, • County infirmaries, • Adult foster care homes, and • Substance abuse treatment centers (SATC). In addition, a person receiving post-residential substance abuse treatment meets SDA disability criteria for 30 days following discharge from the SATC. BEM 261

In the present case, Claimant was approved for SDA and FAP on November 24, 2009 based on residency in a substance abuse treatment center. Claimant completed substance abuse treatment in February 2010. Claimant's SDA increased to \$269 for March 2010 pursuant to Department policy. BEM 261 Claimant did not meet any criteria for SDA and his benefits closed. This was proper and correct.

This Administrative Law Judge finds that the Department has correctly determined Claimant's SDA and FAP benefits.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law decides that the Department was correct in the closure of SDA benefits and in determining FAP benefits, and it is ORDERED that the Department's decision in this regard be and is hereby AFFIRMED.

/s/



Aaron McClintic
Administrative Law Judge
For Ismael Ahmed, Director
Department of Human Services

Date Signed: July 23, 2010

Date Mailed: July 23, 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 mailing 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.

AM/hw

cc:

