

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: 2010-44083
Issue No: 4003
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
September 29, 2010
Genesee County DHS

ADMINISTRATIVE LAW JUDGE: Ivona Rairigh

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 September 29, 2010. Claimant personally appeared and testified.

ISSUE

Did the department correctly deny claimant's State Disability Assistance (SDA) application in April, 2010?

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 applied for SDA on November 18, 2009.
2. On December 29, 2009 claimant's caseworker conducted a telephone interview with the claimant. On January 22, 2010 the caseworker mailed the claimant forms needed to process his application. Forms were to be returned by February 1, 2010.

3. On February 4, 2010 claimant requested another copy of SDA forms. Claimant completed the Medical-Social Questionnaire, DHS-49-F, and Activities of Daily Living, DHS-49-G, forms, and returned them to the department on February 8, 2010.

4. Claimant's caseworker faxed release of information form to claimant's doctor at [REDACTED] because the doctor would not complete Medical Examination Report, DHS-49, and Medical Needs, DHS-54, forms.

5. The caseworker did not receive any medical information either from the claimant and his doctor. Claimant's SDA application was denied on April 9, 2010 due to failure to provide required verifications.

6. Claimant requested a hearing on April 12, 2010.

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 (RFT).

Departmental policy states:

DISABILITY – SDA

DEPARTMENT POLICY

SDA

To receive SDA, a person must be disabled, caring for a disabled person, or age 65 or older.

Note: There is no disability requirement for AMP. BEM 261, p. 1.

DISABILITY

A person is disabled for SDA purposes if he:

- . receives other specified disability-related benefits or services, 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.
- . is diagnosed as having Acquired Immunodeficiency Syndrome (AIDS).

If the client's circumstances change so that the basis of his/her disability is no longer valid, determine if he/she meets any of the other disability criteria. Do NOT simply initiate case closure. BEM, Item 261, p. 1.

In claimant's case, his request for SDA is based on his claim of having a medical condition that prevents him from working. In order for the department to determine if the claimant indeed has such a medical condition, medical information from medical sources must be obtained. Claimant's caseworker attempted to obtain such information without any response from the claimant's doctor. Claimant's alleged medical condition could therefore not be addressed for SDA eligibility purposes, and his SDA application had to be denied.

SDA eligibility requirements were explained to the claimant and he was advised to provide medical information and re-apply for SDA. Claimant intends to do so.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department correctly denied claimant's SDA application in April, 2010.

Accordingly, department's action is AFFIRMED, and it is SO ORDERED.

/s/ _____
Ivona Rairigh
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: September 30, 2010

Date Mailed: September 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 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.

IR/tg

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