

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: 2010-6181

Issue No: 4031

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

April 22, 2010

Eaton County DHS

ADMINISTRATIVE LAW JUDGE: Landis Y. Lain

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, an in-person hearing was held on April 22, 2010. Claimant personally appeared and testified.

ISSUE

Did the Department of Human Services (the department) properly cancel claimant's application for State Disability Assistance (SDA) based upon its determination that claimant's Michigan Rehabilitation Services was closed?

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 receiving State Disability Assistance benefits because she had an active case with Michigan Rehabilitation Service.

(2) Michigan Rehabilitation Services notified the Department of Human Services that claimant's case was closed.

(3) The department caseworker determined that claimant had not provided current medical evidence to send to the Medical Review team to determine if she would qualify for SDA based upon disability.

(4) Additional medical information was requested in July 2009.

(5) The State Disability Assistance case was closed effective August 31, 2009, as claimant did not meet any other qualifications for the program.

(6) On August 20, 2009, the department caseworker sent claimant notice that her State Disability Assistance benefits would close effective August 31, 2009, if she failed to provide verification information.

(7) On September 2, 2009, claimant filed a request for a hearing to contest the department's negative action.

#### 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).

The departments BRIDGES eligibility manual contains the following policy statements and instructions for caseworker's regarding the State Disability Assistance program: To receive State Disability Assistance, a person must be disabled, caring for a disabled person or age 65 or older. BEM, Item 261, p. 1. Claimant does not meet the definition of disabled based upon the

fact that she did not provide additional medical information so that the Medical Review team determination could be made, and for the record, claimant also has a pending Medical Assistance and State Disability Assistance benefit application which has gone to the Medical Review team for review as to whether or not claimant meets the standards for disability. The only other way a claimant can receive State Disability Assistance benefits are if she was involved in Michigan Rehabilitation Services. A person is not receiving services if he has been determined eligible MRS and has an active MRS case. The department is not to refer or advise applicants to apply for MRS for the purpose of qualifying for State Disability Assistance. BEM, Item 261, p. 2.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that the department has established by the necessary competent, material and substantial evidence on the record that it was acting in compliance with department policy when it determined that claimant was not eligible to receive State Disability Assistance benefits because her Michigan Rehabilitation Services case had been closed. The department was also acting in compliance with Department Policy when it sent claimant's medical documents to the Medical Review team for determination of eligibility of State Disability Assistance benefits. The department has established by preponderance of the evidence.

Accordingly, the department's decision is AFFIRMED.

/s/  
Landis Y. Lain  
Administrative Law Judge  
for Ismael Ahmed, Director  
Department of Human Services

2010-6181/LYL

Date Signed: May 11, 2010

Date Mailed: May 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 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.

LYL/alc

cc:

