

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: 2010-8816
Issue No: 4001
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
June 24, 2010
Kent County DHS

ADMINISTRATIVE LAW JUDGE: Kevin Scully

HEARING DECISION

This matter is before the undersigned Administrative Law Judge by authority of MCL 400.9 and MCL 400.37. Claimant's request for a hearing was received on September 24, 2009. After due notice, a telephone hearing was held on Thursday, June 24, 2010.

ISSUE

Whether the Department of Human Services (Department) properly determined the Claimant's State Disability Assistance (SDA) eligibility?

FINDINGS OF FACT

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

(1) The Department received verification that the Claimant was participating in services offered by Michigan Rehabilitation Services on May 29, 2009. Department Exhibit 1.

(2) The Department received the Claimant's application for SDA on July 13, 2010. Department Exhibit 2.

(3) The Department received the Claimant's request for a hearing on September 24, 2009, protesting the date that she would be eligible for SDA benefits.

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 (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), Reference Table Manual (RFT), and the Bridges Reference Manual (BRM).

The date of application is the date the local office receives the required minimum information on an application or the filing form. BAM 110. The Department will approve payments to SDA-SLA providers for the time care was provided, regardless if a change was reported timely by the client, but no earlier than ten days prior to the date of application. BEM 515.

The Department received verification that the Claimant was participating in services offered by Michigan Rehabilitation Services on May 29, 2009. This information was added to the Claimant's case file. Later, the Department contacted the Claimant concerning the Family Independence Program, and discovered that she was interested in receiving SDA benefits. The Department sent the Claimant an Assistance Application (DHS-1171), which was returned on July 13, 2010. The Department then started the eligibility determination process for SDA benefits to begin on August 1, 2009.

The Claimant argued that the Department should have been aware of her desire to receive SDA benefits on May 29, 2009, and that she should be eligible for benefits retroactive to that date. The Claimant did not offer any evidence supporting her claim that the Department was aware of her desire to receive SDA benefits before she submitted received her Assistance Application (DHS-1171) on July 13, 2010.

The Department did not consider the Claimant's eligibility for the SDA program until after it received her Assistance Application (DHS-1171) on July 13, 2010. The Department established that it considered the Claimant's eligibility for SDA benefits in accordance with policy.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department acted in accordance with policy in determining the Claimant's SDA eligibility.

The Department's SDA eligibility determination is **AFFIRMED**. It is **SO ORDERED**.

/s/ _____
Kevin Scully
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: June 30, 2010

Date Mailed: July 1, 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 60 days of the filing of the original request.

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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.

KS/vc

cc:

