

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.: 2010-8921
Issue No.: 2006
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: August 12, 2010
Oakland County DHS (04)

ADMINISTRATIVE LAW JUDGE: Lynn M. Ferris

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 August 12, 2010. The claimant appeared and testified. The Department also appeared through its representative [REDACTED].

ISSUE

Whether the Department's beginning issuance of the Claimant's SDA cash benefits in November 1, 2010 was correct and in accordance with Bridges Administrative Policy?

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 attended the Michigan Rehabilitation Services (MRS) and became eligible to participate in that program on September 24, 2009. The Michigan Rehabilitation Services verified the Claimant's participation and faxed the certification to the Department on October 7, 2009. Exhibit 2.
2. The Claimant applied for SDA cash assistance on October 5, 2009 which application was received by the Department on that date. As a result of his participation in the MRS program the Claimant became eligible for SDA. Exhibit 1.
3. The Claimant began receiving SDA on November 1, 2009 and received two payments totaling \$269.

4. The Claimant is currently receiving SDA benefits.
5. The Claimant previously applied for SDA benefits in February 2009 and was denied SDA by the Medical Review Team.
6. The Claimant filed a request for a hearing on November 13, 2009 and was received by the Department on November 16, 2009 protesting that the Claimant should have received SDA benefits for the months of September and October, 2009.

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 (formerly known as the Family Independence Agency) administers the SDA program pursuant to MCL 400.10 *et seq.*, and MAC 4 400.3151-400.3180. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Bridges Reference Manual (BRM).

Under BAM 110, all clients must file an application for benefits in order to be considered eligible to receive benefits.

Bam 115 requires: Provided the group meets all eligibility requirements, begin assistance in the pay period in which the application becomes 30 days old.

In the instant matter the Claimant's application became 30 days old in November 2009 at which time he met the eligibility requirements and his application was 30 days old.

Accordingly, the Claimant's SDA benefits began at that time, on November 1, 2009. The Claimant believed he should have received benefits when he began working with the Michigan Rehabilitation Center in August or September 2009, but as explained at the hearing the Michigan Rehabilitation Center (MRC) does not pay for or administer the Claimant's SDA benefits. The Claimant was only certified by the (MRC) on September 24, 2009 and that certification alone did not make the Claimant eligible to receive SDA benefits, the Claimant also had to file an application for benefits with the Department of Human Services as a prerequisite to receiving benefits. BAM 110.

The Claimant's SDA application was filed on October 5, 2009 and benefits were payable and paid within 30 days of the application and properly began November 1, 2009. Based upon the foregoing analysis, the Department's actions beginning benefits as of November 1, 2009 is correct and must be upheld.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that the Department's beginning the payment of SDA benefits to the Claimant beginning November 1, 2009 is correct and therefore the Department's decision is accordingly, AFFIRMED.



Lynn M. Ferris
Administrative Law Judge
For Ismael Ahmed, Director
Department of Human Services

Date Signed: 8/17/2010

Date Mailed: 8/17/2010

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.

LMF/jlg

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