

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

IN THE MATTER OF:



Reg. No.: 2010-26208
Issue No.: 4011
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: September 13, 2010
Wayne County DHS (82)

ADMINISTRATIVE LAW JUDGE: Michael J. Bennane

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 September 13, 2010. The claimant appeared and testified.

ISSUE

Did the Department properly process the claimant's State Disability Assistance (SDA)?

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 claimant completed in-patient substance abuse treatment and was eligible for SDA benefits following her in-patient treatment.
2. On October 13, 2009, the Claimant filed a request for a hearing.

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).

The claimant testified that she believed that she was entitled to further SDA payments following completion of in-patient treatment.

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).
See [PEM 615](#) for descriptions of these facilities.

In addition, a person receiving post-residential substance abuse treatment meets SDA disability criteria for 30 days following discharge from the SATC. To qualify, the person must:

Have received SDA while residing in the SATC, and
Continue outpatient substance abuse treatment immediately following discharge. If a client states they have a plan and a scheduled date to continue outpatient substance abuse treatment, then they would be eligible for the 30 days post treatment SDA. (PEM 261, pp. 2-3)

In the instant case the department testified that the claimant was entitled to a total of \$269.00 after she completed the in-patient treatment and that she had received \$49.00 of that amount and was entitled to an addition \$220.00.

This ALJ finds that the department is correct in its presentation but is unsure that the \$220.00 supplement has been paid or is available to the claimant.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, REVERSES AND ORDERS the department to recheck its records to make sure the \$220.00 supplement is paid to the claimant.



Michael J. Bennane
Administrative Law Judge
For Ismael Ahmed, Director
Department of Human Services

Date Signed: 9/28/2010

Date Mailed: 9/28/2010

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.

MJB/jlg

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