

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

IN THE MATTER OF:



Reg. No: 2010-26266
Issue No: 4003
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
August 05, 2010
Delta 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, a telephone hearing was held on August 5, 2010. Claimant personally appeared and testified.

ISSUE

Did the Department of Human Services (the department) properly cancel claimant's State Disability Assistance benefits based upon the fact that claimant failed to participate with Michigan Rehabilitation Services?

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 a State Disability Assistance benefit recipient based upon her eligibility for Michigan Rehabilitation Services (MRS).
- (2) On December 7, 2009, the Michigan Rehabilitation counselor sent the department caseworker a statement that claimant has ceased participation in Michigan Rehabilitation Services programs on December 7, 2009.
- (3) On December 9, 2009, the department caseworker sent claimant notice that her Michigan Rehabilitation Services case/State Disability Assistance would be cancelled effective December 22, 2009, because claimant failed to participate in the program and refused to cooperate.
- (4) On December 18, 2009, claimant filed a request for a hearing to contest the department's negative action.

- (5) The department caseworker indicated that claimant stopped participating in Michigan Rehabilitation Services November 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 (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).

BEM, Item 261, indicates that to receive State Disability Assistance a person must be disabled, caring for a disabled person, or age 65 or older. Participation in Michigan Rehabilitation Services (MRS) will qualify a person to receive State Disability Assistance benefits. A person is receiving services if he has been determined eligible for MRS and has an active MRS case.

In the instant case, claimant is not receiving disability based upon her being disabled. Claimant is not receiving State Disability Assistance based upon her being qualified as disabled. Claimant was receiving disability based upon her participation in the Michigan Rehabilitation Services. Claimant terminated her participation in November 2008, and therefore, was no longer eligible to receive State Disability Assistance benefits under the circumstances.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides 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 proposed to cancel claimant's State Disability Assistance benefits for lack participation and cooperation.

Accordingly, the department's decision is AFFIRMED.

Landis

/s/

Y. Lain

Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

2010-/LYL

Date Signed: August 30, 2010


Date Mailed: August 31, 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

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