

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: 2010-38193
Issue No: 4002
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
August 31, 2010
Cass County DHS

ADMINISTRATIVE LAW JUDGE: Ivona Rairigh

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 31, 2010. Claimant personally appeared and testified.

ISSUE

Did the department correctly deny claimant's State Disability Assistance (SDA) application in February, 2010, due to her failure to provide proof of citizenship?

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 applied for SDA on December 30, 2009. On January 25, 2010 department requested that the claimant provide verification of her citizenship.
2. Claimant failed to provide requested verification. On February 8, 2010 department denied claimant's SDA application.

3. Claimant requested a hearing on February 11, 2010.

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 Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Program Reference Manual (RFT).

Departmental policy states that in order for a person to be eligible for SDA they must be either a U.S. citizen or an alien admitted to the U.S. under a specific immigration status. BEM 225. Claimant testified that she did not provide requested verification of her U.S. citizenship. Department did attempt to obtain verification of claimant's Michigan birth through computer matching, however claimant's birth record could not be located. Department could not address claimant's SDA application without verification of citizenship and had no choice but to deny it.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department correctly denied claimant's SDA application in February, 2010, due to her failure to provide proof of citizenship.

Accordingly, department's action is AFFIRMED, and it is SO ORDERED.

/s/ _____
Ivona Rairigh
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: September 6, 2010

Date Mailed: September 7, 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.

IR/tg

cc:

