

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

IN THE MATTER OF:

██████████
████████████████████
████████████████████

Reg. No: 2010-48839

Issue No: 4031

Case No: ██████████

Load No: ██████████

Hearing Date:

November 9, 2010

Wayne County DHS

ADMINISTRATIVE LAW JUDGE: Jay W. Sexton

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 November 9, 2010, in Detroit. Claimant personally appeared and testified.

The department was represented by Jewerlean Kelly (ES).

The Administrative Law Judge appeared by telephone from Lansing.

ISSUE

Did the department correctly close claimant's SDA case because he is no longer an active participant in MRS?

FINDINGS OF FACT

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

- (1) On November 20, 2007, claimant was approved for SDA benefits based on his active ██████ participation.
- (2) Claimant's ██████ case closed on May 4, 2009. Claimant did not notify the department of the ██████ (████████████████████) closure within ten days as required.

- (3) Since June 2009, claimant has been receiving SDA in error.
- (4) On June 20, 2010, the caseworker discovered that claimant's [REDACTED] case was closed and put claimant's SDA case in closure.
- (5) Proper notice of the SDA closure was mailed to claimant on June 15, 2010.
- (6) On June 22, 2010, after the SDA closure, claimant requested 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 (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).

Under current DHS policy, persons who are actively participating with the [REDACTED] department ([REDACTED]) to obtain work-related skills, are eligible to receive SDA benefits to assist them in becoming job ready.

Current SDA policy states that once [REDACTED] participation ends, the automatic eligibility for SDA also ends. PEM/BEM 261.

The preponderance of the evidence in the record shows that claimant's participation with the [REDACTED] program ended May 4, 2009.

Claimant did not report the closure of his [REDACTED] within ten days as required.

The record further shows that the local office attempted to establish SDA eligibility based on disability. However, claimant was not eligible based on disability.

Since claimant is no longer participating with [REDACTED], and has no other basis for SDA eligibility, the department correctly closed claimant's SDA case.

A careful review of the record reveals no evidence of arbitrary or capricious action of the local office in determining claimant's SDA benefits.

Therefore, the action taken by the department is correct.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides department correctly closed claimant's SDA on June 22, 2010, due to the termination of claimant's [REDACTED] participation and the lack of any other eligibility basis for providing SDA benefits.

Therefore, the action taken by the department is hereby, AFFIRMED.

SO ORDERED.

/s/ _____
Jay W. Sexton
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: November 30, 2010

Date Mailed: November 30, 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 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.

JWS/tg

cc:

[REDACTED]