

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: 20108783

[REDACTED]

ADMINISTRATIVE LAW JUDGE: Kandra Robbins

HEARING DECISION

This matter is before the undersigned Administrative Law Judge by authority of MCL 400.9 and MCL 400.37. This matter was originally assigned to [REDACTED]. [REDACTED] is no longer employed by the State Office of Administrative Hearings and Rules. This matter was reassigned to [REDACTED] to complete the decision after complete review of the record. Claimant's request for a hearing was received on November 16, 2009. After due notice, a telephone hearing was held on August 18, 2010. The Claimant was present and testified.

ISSUE

Whether the Department of Human Services (Department) properly processed the Claimant's State Disability Assistance (SDA) application?

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 was receiving SDA benefits when she and her husband applied for State Emergency Assistance. (Hearing Summary).
2. During the processing of the State Emergency Assistance application, it was discovered that the Claimant's SDA case had not been properly budgeted. (Hearing Summary).
3. A Bridges Income Test was completed for Benefit period beginning November 1, 2009. (Department Exhibit pg 7).

4. On September 28, 2009, the Claimant was sent a DHS 1605 Notice of Case Action indicating that her SDA case was closed. (Department Exhibit pgs 4-6).
5. On November 4, 2009, the Department received the Claimant's Request for Hearing.

CONCLUSIONS OF LAW

The regulations governing the hearing and appeal process for applicants and recipients of public assistance in Michigan are found in the Michigan Administrative Code, MAC R 400.901 - .951. An opportunity for a hearing shall be granted to an applicant who requests a hearing because his claim for assistance is denied. MAC R 400.903(1) An opportunity for a hearing shall be granted to an applicant who requests a hearing because of a denial. MAC R 400.903(2).

Clients have the right to contest a department decision affecting eligibility or benefit levels whenever it is believed that the decision is incorrect. BAM 600. The department will provide an administrative hearing to review the decision and determine the appropriateness. BAM 600.

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), Reference Table Manual (RFT), and the Bridges Reference Manual (BRM). Department policy states:

BEM 214 DEPARTMENT PHILOSOPHY

Spouses are responsible for each other. Needy spouses living together are expected to share income, assets, and expenses.

DEPARTMENT POLICY

SDA and AMP

SDA is a cash program for individuals who are not eligible for FIP and are disabled or the caretaker of a disabled person. An SDA eligibility determination group (EDG) consists of either a single adult or adult and spouses living together. See BEM 261 for disability criteria. AMP follows SDA group composition policy, but does not require that a person be disabled or a caretaker.

Eligibility Determination Group

The **eligibility determination group (EDG)** means those adults living together whose information is needed to determine SDA Eligibility. Only an adult individual and his or her spouse who live together are included in an SDA EDG.

Certified Group

The **certified group (CG)** means those persons in the EDG who meet all non-financial SDA eligibility factors. Countable income and assets of CG members are always considered in determining SDA eligibility.

BEM 500 DEFINITIONS ALL TOA

Income Income means a benefit or payment received by an individual which is measured in money. It includes money an individual owns even if **not** paid directly such as income paid to a representative.

Countable Income income remaining after applying the policy in the income related items are called **countable**. This is the amount used to determine eligibility and benefit levels. Count all income that is **not** specifically excluded.

Earned Income Earned income means income received from another person or organization or from self-employment for duties that were performed for remuneration or profit.

Unearned Income Unearned income is all income that is not earned.

Gross Income Gross income is the amount of income before any deductions such as taxes or garnishments. This may be more than the actual amount an individual receives.

BEM 515 DEPARTMENT

POLICY FIP, RAPC and SDA Only

The certified group must be in financial need to receive benefits. Need is determined to exist when budgetable income is less than the payment standard established by the department. Program, living arrangement, grantee status

and certified group size are variables that affect the payment standard.

DEFINITIONS

The **eligibility determination group**, EDG, means those persons living together whose information is needed to determine eligibility for assistance (see BEM 210 for FIP, BEM 215 for RAPC and BEM 214 for SDA).

The **certified group**, **CG**, means those persons in cash EDG who meet all non-financial eligibility factors.

Exception: Otherwise eligible persons who are serving an immunization penalty are included in the FIP CG.

PAYMENT STANDARD

The payment standard is the maximum benefit amount that can be received by the CG. It is for shelter, heat, utilities, clothing, food and items for personal care. Income is subtracted from the payment standard to determine the grant amount. See BEM 518. Determine the correct payment standard based on the program, certified group size, and living arrangement (SDA) or grantee status (FIP/RAPC).

See Adjustment to Payment Standard in this item for groups containing a member who is serving an immunization penalty. FIP/RAPC payment standards are found in RFT 210. For SDA groups, use RFT 225 or RFT 235.

In this case, the Claimant resides with her disabled husband. She is the caretaker of a disabled person. Pursuant to policy, her husband is part of her SDA group. BEM 214. Therefore, her husband's SSI income is required to be counted when determining eligibility for SDA. The Group had [REDACTED] in unearned income. The payment standard for SDA is found in RFT 235. The payment standard is [REDACTED] for a person living with a spouse. Based on the countable income of [REDACTED], the Claimant is not eligible for SDA assistance because she has more income than the payment standard permits. The Department properly determined that the Claimant was not eligible for SDA benefits.

