

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

IN THE MATTER OF:



Reg. No: 201110125
Issue No: 4008
Case No: [REDACTED]
Hearing Date:
April 7, 2011
Muskegon County DHS

ADMINISTRATIVE LAW JUDGE: Suzanne D. Sonneborn

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 received on November 12, 2010. After due notice, a telephone hearing was held on April 7, 2011. Claimant personally appeared and provided testimony.

ISSUE

Whether the department properly determined Claimant's State Disability Assistance (SDA) eligibility?

FINDINGS OF FACT

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

1. In September 2010, Claimant and her spouse were recipients of SDA benefits as members of the same eligibility determination group.
2. On September 28, 2010, Claimant applied for SDA benefits, Food Assistance Program (FAP) benefits, and Adult Medical Program (AMP) benefits on her behalf only. In her application, Claimant provided an address different to that of her spouse and indicated that she was getting divorced. (Department Exhibits 1-2).
3. On October 14, 2010, the department mailed Claimant a Notice of Case Action (DHS 1605), informing her that she had been approved for FAP and AMP benefits effective October 1, 2010 and that she had been approved for SDA benefits effective November 1, 2010. The Notice

further indicated that Claimant was not eligible for SDA benefits for the time period of October 16, 2010 through October 31, 2010 for the reason that she was eligible for this program in another case. (Department Exhibits 4-12).

4. Claimant submitted a hearing request on November 3, 2010 protesting her ineligibility for SDA benefits for the time period of October 16, 2010 through October 31, 2010. (Request for a 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 400.901-400.951. 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).

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 was established by 2004 PA 344 and is a financial assistance program for individuals who are not eligible for the Family Independence Program (FIP) and are either disabled or the caretaker of a disabled person. 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.

An SDA eligibility determination group (EDG) consists of either a single adult or adult and spouses living together. BEM 214. The department's philosophy is that spouses are responsible for each other and that needy spouses living together are expected to share income, assets, and expenses. BEM 214. A certified group (CG) includes only the eligible members of the SDA EDG – and the members of the CG are determined based on information reported by the individual and entered into the department's computer system, known as Bridges. BEM 214).

Department policy states that clients must cooperate with the local office in determining initial and ongoing eligibility. This includes completion of the necessary forms. Clients who are able but refuse to provide necessary information or take a required action are subject to penalties. Clients must take actions within their ability to obtain verifications and the department must assist clients when necessary. BAM 105.

In this case, Claimant disputes the department's determination that she was not eligible for SDA benefits for the time period of October 16, 2010 through October 31, 2010 for the reason that she was active on and eligible for this program in her spouse's case. At the hearing, however, Claimant did not disagree with the fact that she was still an active member of her spouse's SDA certified group at the time that she completed an

application for SDA (and FAP and AMP) benefits for herself on September 28, 2010. Claimant also admitted that the department issued to her spouse's Bridge card the correct amount of SDA benefits to which she and her spouse were entitled for the month of October 2010. That her spouse did not provide Claimant with her share of their October 2010 SDA benefits is an issue to be resolved between the two of them, not by the department or the administrative hearing process.

Moreover, the department is required by policy to act on a change in SDA eligibility reported by a client within 15 days of becoming aware of that change and the change would not take effect until the next benefit issuance after 15 days. BAM 220. Accordingly, the department acted timely and would not have acted any sooner than it did in removing Claimant's from her spouse's SDA certified group upon become aware of the needed change through the filing of Claimant's September 28, 2010 application.

Therefore, this Administrative Law Judge finds that, based on the material and substantial evidence presented during the hearing, the department acted in accordance with policy in determining Claimant's eligibility for SDA benefits.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department acted in accordance with policy in determining Claimant's eligibility for SDA benefits.

The department's actions are UPHeld.

It is SO ORDERED.

___/s/___

Suzanne D. Sonneborn
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: April 14, 2011

Date Mailed: April 15, 2011

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.

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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.

SDS/alc

cc:

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