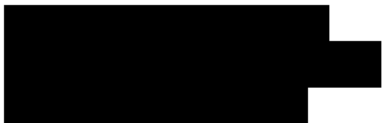


**STATE OF MICHIGAN  
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES  
ADMINISTRATIVE HEARINGS FOR THE  
DEPARTMENT OF HUMAN SERVICES**

**IN THE MATTER OF:**



Reg. No.: 2011-17569  
Issue No.: 4000  
Case No.: [REDACTED]  
Hearing Date: March 9, 2011  
DHS County: Wayne (82-15)

**ADMINISTRATIVE LAW JUDGE:** Colleen M. Mamelka

**HEARING DECISION**

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon the Claimant's request for a hearing. After due notice, a telephone hearing was conducted from Detroit, Michigan, on Wednesday March 9, 2011. The Claimant appeared and testified. [REDACTED] appeared on behalf of the Department of Human Services ("Department").

**ISSUE**

Whether the Department properly terminated the Claimant's State Disability Assistance ("SDA") benefits?

**FINDINGS OF FACT**

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

1. The Claimant was an SDA recipient.
2. The Claimant was approved for Retirement Survivors Disability Insurance ("RSDI") income by the Social Security Administration ("SSA").
3. As a result of the RSDI income, the Claimant was no longer eligible for SDA benefits.
4. On July 2, 2010, the Department notified the Claimant that his SDA benefits would terminate effective August 1, 2010.

5. On October 27, 2010, the Department received the Claimant's timely written request for hearing.
6. The Claimant continues to receive Medical Assistance benefits under the AD-Care program.

### **CONCLUSIONS OF LAW**

The State Disability Assistance program which provides financial assistance for disabled persons is established by 2004 PA 344. The Department (formerly known as the Family Independence Agency) administers the SDA program pursuant to MCL 400.10 *et seq.* and Michigan Administrative Code Rules 400.3151-400.3180. Department policies are found in the Bridges Administrative Manual ("BAM"), the Bridges Eligibility Manual ("BEM"), and the Bridges Reference Manual ("BRM").

A person is considered disabled for SDA purposes if the person has a physical or mental impairment which meets federal SSI disability standards for at least ninety days. For SDA purposes, all earned and unearned income available to the Claimant is countable. BEM 500. The amount counted may be more than the client actually receives because the gross amount is used prior to any deductions. BEM 500. The Department must consider the gross benefit amount before any deduction, unless Department policy states otherwise. BEM 500.

In this case, the Claimant began receipt of RSDI income in the amount of \$907.00/month. As a result of this income, the Claimant was no longer eligible for SDA benefits. The Department properly notified the Claimant of the termination of SDA benefits. During the hearing, it was explained to the Claimant that, due to the RSDI income, he was no longer eligible for the SDA benefits because of excess income. The Department confirmed that the Claimant's AD-Care benefits were not impacted. As a result of the foregoing, the Claimant agreed with the Department's actions.

**DECISION AND ORDER**

The Administrative Law Judge, based on the above findings of fact and conclusions of law, finds the Department established it acted in accordance with Department policy when it terminated the Claimant's SDA benefits due to excess income.

Accordingly, it is ORDERED:

The Department's determination is AFFIRMED.

*Colleen M. Mamelka*

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**Colleen M. Mamelka**  
Administrative Law Judge  
For Maura Corrigan, Director  
Department of Human Services

Date Signed: March 15, 2011

Date Mailed: March 17, 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.

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.

CMM/pf

cc:

