

STATE OF MICHIGAN
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:
Issue

[REDACTED]

Reg. No.: 2011-31184
No.: 4013
Case No.: [REDACTED]
Hearing Date: June 6, 2011
DHS County: Macomb (20)

ADMINISTRATIVE LAW JUDGE: Michael J. Bennane

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9; MSA 16409 and MCL 40037; M SA 16.437 upon the Claimant's request for a hearing. After due notice, a telephone hearing was held on June 6, 2011 in Detroit, Michigan. The Claimant appeared and testified.

ISSUE

Did the Department of Human Services (Department) properly deny the Claimant's State Disability Assistance (SDA)?

FINDINGS OF FACT

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

1. On February 10, 2011, the Claimant applied for SDA.
2. On March 2, 2011, the Claimant filed a request for 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 (formerly known as the Family Independence Agency) 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 Bridges Reference Manual (BRM).

BEM 518 spells out the factors in budgeting for SDA in this instance. In part BEM 518 says:

DEPARTMENT POLICY

FIP and SDA Only

Financial need must exist to receive benefits. Financial need exists when the eligible group passes both the “**Deficit Test**” and the “**Child Support Income Test.**” To perform the deficit test, subtract the **program group’s** budgetable income from the **eligible group’s** payment standard (BEM 515) for the benefit month. To meet the child support income test, the FIP group’s countable income plus the amount of certified support (or amount of support to be certified) must be less than the eligible group’s payment standard. (BEM 518, p.1)

Here, the Claimant’s allowed income is \$269.00. (RFT 225). There is a question as to whether the Claimant has any income at all.


The Department cited documentation that the Claimant had been denied by the Medical Review Team (MRT). No such documentation was provided. There is no documentation that the Department notified the Claimant of the status of his SDA application.

This Administrative Law Judge finds that the Department did not meet the burden of providing any pertinent evidence as to the Department’s disposition of the Claimant’s SDA application.

DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law, REVERSES AND ORDERS the Department to reregister the Claimant’s February 10, 2011, SDA application.

Michael
Administrative
for
Department



J. Bennane
Law Judge
Maura Corrigan, Director
of Human Services

Date Signed: August 3, 2011

Date Mailed: August 3, 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.

MJB/cl

cc:

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