

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2011-31888
Issue No.: 2005
Case No.: [REDACTED]
Hearing Date: June 20, 2011
DHS County: Macomb (12)

ADMINISTRATIVE LAW JUDGE: Michael J. Bennane

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9; MSA 16.409 and MCL 400.37; M SA 16.437 upon the claimant's request for a hearing. After due notice a telephone hearing was held in Detroit, Michigan on June 20, 2011. The claimant personally 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 [REDACTED] the claimant entered the United States.
2. On January 20, 2011, the claimant applied for SDA.
3. On January 21, 2011, the Department denied the claimant's SDA.
4. On January 27, 2011, the claimant filed a request for a hearing.

CONCLUSIONS OF LAW

The Medical Assistance (MA) program is established by Title XIX of the Social Security Act and is implemented by Title 42 of the Code of Federal Regulations (CFR). The Department of Human Services (formerly known as the Family Independence Agency) administers the MA program pursuant to MCL 400.10, *et seq.*, and MCL 400.105. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Bridges Reference Manual (BRM).

In the instant case, the Department denied the claimant's SDA as not being a qualified alien.

SDA

A qualified alien who was receiving SSI on August 22, 1996.

A qualified alien who was lawfully residing in the U.S. (see below) on August 22, 1996, and is now blind or disabled according to SSI standards. (BEM 225, p. 8.)

This Administrative Law Judge finds that the Department was correct in its denial of the claimant's SDA application.

DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law, AFFIRMS the Department's action in the instant case.



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:

