

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

IN THE MATTER OF:

[REDACTED]
[REDACTED]
[REDACTED]

Reg. No: 201134081
Issue No: 2018, 4001
Case No: [REDACTED]
Hearing Date:
June 29, 2011
Dickinson County DHS

ADMINISTRATIVE LAW JUDGE: Kevin Scully

HEARING DECISION

This matter is before the undersigned Administrative Law Judge by authority of MCL 400.9 and MCL 400.37. Claimant's request for a hearing was received on May 5, 2011. After due notice, a telephone hearing was held on Wednesday, June 29, 2011.

ISSUE

Whether the Department of Human Services (Department) properly determined the Claimant's State Disability Assistance (SDA) and Medical Assistance (MA) 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. The Claimant submitted an application for assistance on April 25, 2011.
2. The Claimant failed to indicate that she is disabled on her application for assistance.
3. The Department received the Claimant's request for a hearing on May 5, 2011, protesting the Department's denial of State Disability Assistance (SDA) and disability based Medical Assistance (MA).

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 (DHS or Department) 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), Reference Table Manual (RFT), and the Bridges Reference Manual (BRM). The State Emergency Relief (SER) program is established by 2004 PA 344. The SER program is administered pursuant to MCL 400.10, *et seq.*, and by final administrative rules filed with the Secretary of State on October 28, 1993. MAC R 400.7001-400.7049. Family Independence Agency (FIA or agency) policies are found in the State Emergency Relief Manual (ERM).

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) and the Program Reference Manual (PRM).

To receive State Disability Assistance (SDA), a person must be disabled, caring for a disabled person, or age 65 or older. BEM 261.

A person is considered disabled if they are receiving disability based Supplemental Security Income (SSI), or Retirement, Survivors, and Disability Insurance (RSDI) benefits. If the client is not eligible for Retirement, Survivors, and Disability Insurance (RSDI) based on disability or blindness disability can be determined by:

- The Medical Review Team (MRT) certifies disability.
- The State Review Team (SRT) certifies blindness. BEM 260.

The Claimant submitted an application for assistance on April 25, 2011. The Claimant requested State Disability Assistance (SDA) and Medical Assistance (MA). The Claimant failed to indicate on her application for assistance that she or anyone in her household is physically or mentally unable to work full-time. Therefore, the Department did not consider her eligibility for the State Disability Assistance (SDA) or disability based Medical Assistance (MA) programs.

The Claimant testified that she has a learning disability and had difficulties completing the application. The Claimant testified that her social worker filled out the application for her.

The Department had no reason to know that the Claimant unintentionally failed to submit information along with her application for assistance that affected her eligibility to receive benefits. Based on the evidence and testimony available during the hearing, the Department has established that it properly denied State Disability Assistance (SDA) and Medical Assistance (MA) because the Claimant failed to claim that she is disabled.

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 the Claimant's State Disability Assistance (SDA) and Medical Assistance (MA) eligibility.

The Department's Disability Assistance (SDA) and Medical Assistance (MA) eligibility determination is AFFIRMED. It is SO ORDERED.



Kevin Scully
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: July 15, 2011

Date Mailed: July 18, 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 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.

KS/tg

cc:

