

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2011-36166
Issue No.: 4003
Case No.: [REDACTED]
Hearing Date: August 17, 2011
DHS County: Macomb (50-36)

ADMINISTRATIVE LAW JUDGE: Jonathan W. Owens

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. After due notice, an in-person hearing was held in Sterling Heights Michigan, on August 17, 2011. Claimant appeared and testified. The Department of Human Services (Department) was represented by [REDACTED].

ISSUE

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

FINDINGS OF FACT

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

1. On April 13, 2011, Claimant applied for SDA.
2. On April 13, 2011, an in-person interview was held. Claimant reported income and provided a copy of his bank statement.
3. On April 27, 2011, a verification checklist was issued seeking statement from Claimant's sons about how much money they received to cover expenses.
4. On May 6, 2011, the Department received a letter from one of Claimant's sons indicating he paid Claimant's mortgage and utilities directly.
5. On May 10, 2011, the Department denied Claimant's application for failure to return verifications as requested.

6. On May 13, 2011, Claimant requested a hearing.

CONCLUSIONS OF LAW

The 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) and the Bridges Eligibility Manual (BEM).

In the instant case, Claimant applied for SDA benefits. The Department was given a copy of a bank statement for Claimant during an in-person interview. This bank statement listed deposits of \$7,900 in one month. Claimant told the worker his sons give him money to cover expenses. The Department issued a verification checklist specifically requesting a statement from Claimant's sons regarding how much money they were giving him on a monthly basis. Claimant instead submitted a statement from one of his sons stating that his son pays Claimant's utilities and mortgage directly.

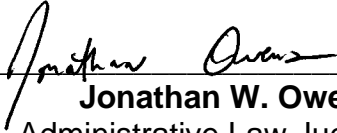
At hearing, Claimant stated the deposits into the account were, in fact, either paychecks his sons earned or tax returns each son received. The records fail to show to whom the checks being deposited were issued. Claimant testified his sons had deposited the money into his account. Claimant is the only person listed on the bank account in question and the only person who could draw on the funds in the account.

The Department properly denied Claimant's application for SDA.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides the Department properly denied Claimant's SDA application.

Accordingly, the Department's decision is hereby UPHELD.



Jonathan W. Owens
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: August 24, 2011

2011-36166/JWO

Date Mailed: August 24, 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.

JWO/pf

cc:

