

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

IN THE MATTER OF:



Reg. No.: 2011-38398
Issue No.: 4031
Case No.: [REDACTED]
Hearing Date: July 28, 2011
DHS County: Wayne (31)

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 July 28, 2011. The claimant personally appeared and testified.

ISSUE

Did the Department of Human Services (Department) properly close 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 July 3 2010, the Medical Review Team (MRT) found the claimant was not disabled.
2. On March 10, 2011, the Department closed the claimant's SDA.
3. On March 23, 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 of Human Services (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).

At the hearing the Department testified that it closed the claimant's SDA because she was found to be not disabled by MRT. In addition, this issue was raised in a hearing before Administrative Law Judge Lain held on [REDACTED] Judge Lain also found the claimant not to be disabled.

DISABILITY

A person is disabled for SDA purposes if he:

Receives other specified disability-related benefits or services, see Other Benefits or Services below, or

Resides in a qualified Special Living Arrangement facility, or

Is certified as unable to work due to mental or physical disability for at least 90 days from the onset of the disability,

Is diagnosed as having Acquired Immunodeficiency Syndrome (AIDS), see [Medical Certification of Disability \(BEM 261, p.1\)](#).

I find that the Department was correct in closing the claimant's SDA.

DECISION AND ORDER

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

Michael
Administrative
for
Department

Date Signed: August 15, 2011

Date Mailed: August 15, 2011



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

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:

