

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2011-39551
Issue No.: 4031
Case No.: [REDACTED]
Hearing Date: November 10, 2011
County: Wayne (43)

ADMINISTRATIVE LAW JUDGE: Colleen M. Mamelka

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 following Claimant's request for a hearing. After due notice, a hearing was held in Highland Park, Michigan on Thursday, November 10, 2011. The Claimant appeared, along with [REDACTED], and testified. [REDACTED] appeared on behalf of Department of Human Services ("Department").

ISSUE

Did the Department properly deny Claimant's application for 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. The Claimant applied for SDA benefits on April 13, 2011.
2. The Claimant is active in the Michigan Rehabilitative Services ("MRS").
3. On June 8, 2011, the Medical Review Team ("MRT") found the Claimant not disabled. (Exhibit 1, pp. 3, 4)
4. On June 15, 2011, the Department notified the Claimant of the MRT determination.

5. On June 21, 2011, the Department received the Claimant's timely written request for hearing. (Exhibit 1, p. 2)
6. On June 27, 2011, the State Hearing Review Team ("SHRT") found the Claimant not disabled. (Exhibit 3)

CONCLUSIONS OF LAW

The State Disability Assistance 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 Mich Admin Code Rules 400.3151 - .3180. Department policies are contained in the Bridges Administrative Manual ("BAM"), the Bridges Eligibility Manual ("BEM"), and the Bridges Reference Tables ("RFT").

A person is disabled for SDA purposes if he:

- Receives other specified disability-related benefits or services, (RSDI, SSI, MA, MRS, Special Education Services, or a refugee or asylee who lost eligibility for SSI due to exceeding the maximum time limit), 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.

BEM 261. If a client's circumstances change so that the basis of his/her disability is no longer valid, the Department will determine if the individual meets any other disability criteria prior to initiating closure. BEM 261. When a person does not meet one of the criteria listed above, medical evidence of the disability is obtained and submitted to the Disability Examiner for a determination. BEM 261. The Examiner reviews the medical evidence and either certifies or denies the disability claim based upon the medical evidence. BEM 261.

In this case, the Claimant is an active participant with MRS and resides in a qualified special living arrangement. As such, despite the MR T's/SHRT's denial, the Claimant does meet two to the requirements necessary for SDA eligibility. In light of the foregoing, it is found that the Department failed to establish it acted in accordance with Department policy when it denied the Claimant SDA benefits. Accordingly, the Department's denial of SDA benefits is REVERSED.

DECISION AND ORDER

The Administrative Law Judge, based upon the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, finds that the Department failed to act

in accordance with Department policy when it denied SDA benefits despite active MRS participation.

Accordingly, the Department's determination is REVERSED.

THE DEPARTMENT IS ORDERED TO DO THE FOLLOWING WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. The Department shall initiate activation of SDA benefits for the Claimant and supplement for lost benefits effective May 2011 in accordance with Department policy.
2. The Department shall review the Claimant's continued eligibility in June 2012.

Colleen M. Mamelka

Colleen M. Mamelka
Administrative Law Judge
For Maura Corrigan, Director
Department of Human Services

Date Signed: November 16, 2011

Date Mailed: November 16, 2011

NOTICE: Michigan Administrative Hearing System (MAHS) 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. MAHS 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. (60 days for FAP cases)

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.

Claimant may request a rehearing or reconsideration for the following reasons:

- A rehearing **MAY** be granted if there is newly discovered evidence that could affect the outcome of the original hearing decision.
- A reconsideration **MAY** be granted for any of the following reasons:
 - misapplication of manual policy or law in the hearing decision,
 - typographical errors, mathematical error, or other obvious errors in the hearing decision that effect the substantial rights of the claimant:
 - the failure of the ALJ to address other relevant issues in the hearing decision.

Request must be submitted through the local DHS office or directly to MAHS by mail at
Michigan Administrative hearings
Reconsideration/Rehearing Request
P. O. Box 30639
Lansing, Michigan 48909-07322

CMM/cl

cc:

