

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2011-41529
Issue No.: 4002
Case No.: [REDACTED]
Hearing Date: August 17, 2011
DHS County: Wayne (41)

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 from Detroit, Michigan on March 30, 2011. The claimant personally appeared and was aided by [REDACTED] as an interpreter.

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. The claimant was an ongoing recipient of SDA.
2. The Department began a redetermination on March 25, 2011.
3. On March 31, 2011, the Department closed the claimant's SDA because it found the claimant's SDA had been opened in error.
4. On June 10, 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).

In the instant case, the claimant applied for SDA and the Department denied the application.

FIP, SDA, MA and AMP

Alien admitted into the U.S. with one of the following immigration statuses:

Permanent resident alien with a class code on the I-551 other than RE, AM or AS.

Alien paroled into the U.S. for at least one year under INA section 212(d)(5).

Exception (both statuses above): The eligibility of an alien admitted into the U.S. on or after August 22, 1996 with one of these statuses is restricted as follows unless the alien is a qualified military alien or the spouse or dependent child of a qualified military alien:

For FIP, an individual is disqualified for the first five years in the U.S.

For SDA, an individual is disqualified. (BEM 255, p. 6).

In the instant case, the claimant was never correctly qualified for SDA.


DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law, AFFIRMS the Department's actions in closing the claimant's SDA.

Michael
Administrative
for
Department

Date Signed: August 24, 2011

Date Mailed: August 24, 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:

