

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:



Reg. No.: 2011-10194
Issue No.: 4011
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: February 10, 2011
Wayne County DHS (82)

ADMINISTRATIVE LAW JUDGE: Michael J. Bennane

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon the claimant's request for a hearing. After due notice, a telephone hearing was held on February 10, 2011. The claimant appeared and testified.

ISSUE

Did the Department properly process 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 November 3, 2010, the claimant applied for SDA.
2. On November 19, 2010, the claimant submitted documentation of his discharge after having completed in-patient substance abuse treatment and documentation that he would be attending outpatient substance abuse treatment.
3. On November 22, 2010, the department denied the claimant's SDA application.
4. On November 29, 2010, 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 Michigan Administrative Code Rules 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).

The claimant testified that he believed that he was entitled to further SDA payments following completion of in-patient treatment.

Special Living Arrangements

Persons admitted to a qualified Special Living Arrangement (SLA) facility meet the SDA disability criteria.

Qualified SLA facilities are:

Homes for the aged,
County infirmaries,
Adult foster care homes, and
Substance abuse treatment centers (SATC).

See [PEM 615](#) for descriptions of these facilities.

In addition, a person receiving post-residential substance abuse treatment meets SDA disability criteria for 30 days following discharge from the SATC. To qualify, the person must:

Have received SDA while residing in the SATC, and
Continue outpatient substance abuse treatment immediately following discharge. If a client states they have a plan and a scheduled date to continue outpatient substance abuse treatment, then they would be eligible for the 30 days post treatment SDA. (PEM 261, pp. 2-3).

In the instant case the department testified that the claimant was “certified” to receive SDA cash assistance in the amount of \$49.00. The department further testified that it had denied the claimant’s SDA application because he failed to be in the special living arrangement (SLA), for thirty (30) days, a period of time the department stated was necessary for the grant to be paid to the claimant.

The department cites BAM 115 page 17 as the policy it followed to come to the above decision. However, BAM 115 does not require that the claimant be in treatment for thirty days.

Initial Benefits

FIP and SDA Only (Not AMP)

Provided the group meets all eligibility requirements, begin assistance in the pay period in which the application becomes 30 days old.

If the application becomes 30 days old and the group has **not** met eligibility requirements, begin assistance for the first pay period when it does. (BAM 115, p.17).

A reading of the above policy shows that the SDA application must be **30 days old** but does not address the length of time that the claimant must reside in a SLA. The department further denied the claimant's request for the \$269.00 stipend as a post treatment SDA grant because he had not qualified for the original \$49.00, during his stay in the SLA.

This ALJ finds that the department erred when it denied the initial benefits to the claimant.

DECISION AND ORDER

The Administrative Law Judge based on the above findings of fact and conclusions of law, **REVERSES AND ORDERS** the department to apply the above policy and pay any SDA grants it owes the claimant.



Michael J. Bennane
Administrative Law Judge
For Maura Corrigan, Director
Department of Human Services

Date Signed: 3/1/2011

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Date Mailed: 3/1/2011

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.

MJB/jlg

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