

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 11159
Issue No. 4013
Case No. [REDACTED]
Hearing Date:
February 16, 2011
Macomb County DHS 12

ADMINISTRATIVE LAW JUDGE: Lynn M. Ferris

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9; MSA 16.409 and MCL 400.37; MSA 16.437 upon the Claimant's request for a hearing. After due notice a telephone hearing was held on February 16, 2011. The Claimant appeared and testified. The Department also appeared through its representative Correna Jourdan ES.

ISSUE

Whether the Department properly denied the Claimant's application for State Disability Assistance filed November 1, 2010.

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 on November 11, 2010.
2. The Claimant's application was denied on December 1, 2010, due to the fact that the Claimant was receiving SSI income from the Social Security Administration. The Notice of Case Action provided that the group's countable income exceeded the limit for the program. Exhibit 1

3. The Department did not provide a budget to establish the countable income (unearned) used to determine eligibility for AMP or what unearned income amount it included when making its determination.
4. The Department's SOLQ report does not establish that the Claimant is receiving any income from SSI from Social Security. Exhibit 2
5. The Determination that the Claimant is not entitled to receive SDA is in error and the Department did not establish that the Claimant was receiving SSI income.
6. The reliance by the Department on a letter indicating that the Claimant was found disabled by SSA does not establish that he is receiving SSI income. Exhibit 3
7. The Claimant requested a hearing on December 5, 2010, protesting the denial of his application for SDA which was received by the Department on December 6, 2010.

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 (DHS or Department) administers the SDA program pursuant to MCL 400.10, et seq., and MAC R400.3151-400.3180. Department policies are found in the Program Administrative Manual (PAM) and Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

In this case, the Department denied the Claimant's November 11, 2010 application for SDA on December 1, 2010. The Department denied the application on the basis that countable income exceeded the limit for this program. The Department did not sustain its burden of proof and did not demonstrate that its income determination was correct or how any income amount was determined. The SOLQ report it provided demonstrated that the Claimant was not receiving SSI or RSDI. Exhibit 2.

Under these facts and circumstances, the undersigned finds that the Department's decision to deny the Claimant's application of November 11, 2010 was in

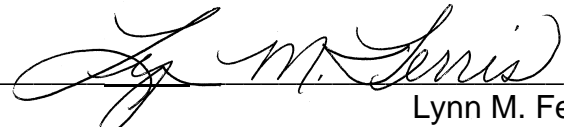
error as it attributed income to the Claimant for SSI which it could not establish that he received. As the determination is in error the Department's determination must be reversed.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds the Department's decision to deny the Claimant application for SDA was in error and must be REVERSED.

Accordingly, it is ORDERED:

1. The Department shall retroactively reopen the Claimant's application for SDA of November 11, 2010, and shall reprocess the application based upon the fact that the Claimant is not currently receiving any SSI income.
2. If the Department determines, after reprocessing the application and recomputing the budget, that the Claimant is eligible for SDA it shall issue a supplement to the Claimant for any SDA benefits the Claimant was otherwise entitled to receive retroactive to the date of application.



Lynn M. Ferris
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: 02/28/11

Date Mailed: 03/01/11

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.

LMF/dj

cc:

